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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE COVENANT

Initial reports of States parties due in 1994

Addendum

CHINA

[27 March 1995]

CONTENTS

	Paragraphs	Page
Introduction	1 - 2	4
I. GENERAL IMPLEMENTATION	3 - 16	4
II. DEFINITION OF THE CHILD	17 - 26	6
III. GENERAL PRINCIPLES	27 - 49	8
A. Non-discrimination (art. 2)	27 - 32	8
B. Best interests of the child (art. 3)	33 - 36	9
C. The right to life, survival and development (art. 6)	37 - 43	10
D. Respect for the views of the child (art. 12)	44 - 49	11

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CONTENTS (continued)

		Paragraphs	Page
IV.	CIVIL RIGHTS AND FREEDOMS	50 - 79	12
	A. Name and nationality (art. 7)	50 - 54	12
	B. Preservation of identity (art. 8)	55 - 58	13
	C. Freedom of expression (art. 13)	59 - 61	14
	D. Access to appropriate information (art. 17)	62 - 65	14
	E. Freedom of thought, conscience and religion (art. 14)	66 - 68	15
	F. Freedom of association and of peaceful assembly (art. 15)	69 - 72	15
	G. Protection of privacy (art. 16)	73 - 77	16
	H. The right not to be tortured (art. 37 (a))	78 - 79	17
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	80 -109	17
	A. Parental guidance (art. 5)	80 - 81	17
	B. Parental responsibilities (art. 18)	82 - 83	18
	C. Separation from parents (art. 9)	84 - 85	18
	D. Family reunification (art. 10)	86 - 90	19
	E. Recovery of maintenance for the child (art. 27, para. 4)	91	20
	F. Children deprived of a family environment (art. 20)	92 - 96	21
	G. Adoption (art. 21)	97 - 99	22
	H. Illicit transfer and non-return (art. 11)	100 -102	22
	I. Prevention of abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)	103 -106	23
	J. Periodic review of placement (art. 25)	107 -109	23
VI.	BASIC HEALTH AND WELFARE	110 -163	24
	A. Survival and development (art. 6, para. 2)	110 -114	24
	B. Disabled children (art. 23)	115 -143	24
	C. Health and health services (art. 24)	144 -157	29
	D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)	158 -161	33
	E. Standard of living (art. 27, paras. 1 to 3)	162 -163	34
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	164 -205	34
	A. Education, including vocational training and guidance (art. 28)	164 -192	34
	B. Aims of education (art. 29)	193 -196	39
	C. Leisure, recreation and cultural activities (art. 31)	197 -205	40

CONTENTS (continued)

		Paragraphs	Page
VIII.	SPECIAL PROTECTION MEASURES	206 - 287	41
	A. Refugee children (art. 22)	206 - 209	41
	B. Children in armed conflict, including physical and psychological recovery and social reintegration (arts. 38 and 39)	210	42
	C. The administration of juvenile justice (art. 40)	211 - 215	42
	D. Children deprived of their liberty, including any form of detention, imprisonment or placement in custody or settings (arts. 37 (b), (c) and (d))	216 - 225	43
	E. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))	226 - 227	45
	F. Physical and psychological recovery and social reintegration (art. 39)	228 - 230	46
	G. Economic exploitation including child labour (art. 32)	231 - 238	46
	H. Drug abuse (art. 33)	239 - 250	47
	I. Sexual exploitation and sexual abuse (art. 34)	251 - 260	50
	J. Sale, trafficking and abduction (art. 35)	261 - 262	51
	K. Children belonging to a minority or an indigenous group (art. 30)	263 - 287	52
ANNEX:	Tables		57

Introduction

1. A consistent respecter and defender of children's rights, the People's Republic of China took a positive part in the drafting of the United Nations Convention on the Rights of the Child (hereinafter "Convention"). When, at its forty-fourth session in 1989, the United Nations General Assembly considered and adopted the Convention, China was a co-sponsor of the draft resolution calling for adoption. China signed the Convention on 29 August 1990. On 29 December 1991, at its twenty-third session, the Standing Committee of the Seventh National People's Congress ratified the Convention, which formally took effect in China on 1 April 1992.

2. Pursuant to article 44 of the Convention and in accordance with the general guidelines drawn up by the Committee on the Rights of the Child, China has based its initial report on implementation of the Convention on a thorough canvassing of views on all relevant matters. The emphasis of the report is on providing an introduction to the overall conditions in which the Convention is implemented in China, citing State laws, their practical enforcement and the difficulties and problems that exist. Where statistics quoted in this report and in the China core document transmitted to the United Nations in 1992 (HRI/CORE/1/Add.21) are not in agreement, the figures given in this report should be regarded as authoritative.

I. GENERAL IMPLEMENTATION

3. According to 1993 statistics, there are roughly 380 million minors in China - one third of the total population.

4. Throughout the Chinese nation's 5,000 years of civilization, treating anyone's child as one's own has been a traditional Chinese virtue. Since the founding of the People's Republic, the Government and society at large have always regarded caring for children's all-round development as fundamental to the construction of the country, and have worked hard on legislation, law enforcement and administration to safeguard and promote children's rights. The importance attached by the State and the collaborative efforts of the entire people in the 45 years since the founding of the nation have brought about visible improvements in Chinese children's political, economic, cultural and educational circumstances, achievements that have been the focus of world attention.

5. The Convention is a universally applicable standard drawn up by the international community for the protection of children's rights, and the Chinese Government regards its assumption and discharge of obligations under the Convention as factors contributing to the protection of children in China. Before and after the Convention was signed and ratified, China's legislative organs drafted and promulgated the Protection of Minors Act, the Compulsory Education Act, the Adoption Act, the Protection of the Disabled Act, the Mothers and Infants Health Act and other such legislation and regulations, to help codify and standardize State protection of children.

6. In February 1992, the State Council, based on the actual state of the economy and social development in China, issued its Programme Outline for the development of China's children in the 1990s, drawing on the Convention and

the documents adopted at the World Summit for Children, and setting out 10 specific strategic objectives for the advancement of the cause of Chinese children during the remainder of the century together with measures for accomplishing them.

7. All legislative, judicial and governmental departments and public organizations concerned have set up machinery to promote, carry out and oversee the protection of children's rights and interests.

8. The Internal Affairs and Judiciary Committee of the National People's Congress has set up an ad hoc group of professionals working with women and children, its main responsibilities being to deal with proposals concerning the protection of women's and children's lawful rights and interests referred to it by the National People's Congress and its Standing Committee; to offer opinions on proposed legislation; to look into the enforcement of laws relating to women and children; and to investigate matters affecting women and children and make recommendations to the Committee.

9. The Chinese People's Political Consultative Conference has set up a committee on women and young people, whose main responsibilities are to oversee and promote compliance with State laws and regulations in so far as they concern women, young people and children, to make recommendations to the State legislative and administrative departments on matters and circumstances affecting women and children, and to improve the work of those departments.

10. In February 1990, the State Council decided to set up a nationwide coordinating committee for women's and children's affairs, which was later renamed the State Council Committee on Women and Children. The Committee is made up of officials from the appropriate government technical departments and public organizations, and is chaired by a member of the State Council. Its main functions are to coordinate and expedite efforts by the appropriate government departments to protect women and children's rights and interests; to coordinate and expedite implementation by the relevant government departments of the Programme Outline for the 1990s; and to coordinate and expedite work done by the relevant government departments on behalf of women and children. The Committee is also responsible for supervising all aspects of the protection of children's rights, including implementation of the Convention, and for offering policy guidance on all matters arising during such activities. Since its establishment, it has done a great deal of painstaking work to promote and protect children's lawful rights and interests throughout the country, and has performed effectively in all aspects of its role as coordinator and overseer of joint efforts to protect children's rights.

11. All government departments concerned have also set up specialized technical machinery within their own spheres of competence, to see to the exercise and advancement of children's rights and interests.

12. Each province, autonomous region and directly administered municipality has set up machinery and bodies analogous to those in the national legislative and administrative apparatus to supervise and direct local efforts to protect children's rights and interests.

13. The State has worked hard to publicize the Convention, both before and since its signature and ratification. The national news media - newspapers, radio, television, etc. - have provided coverage of its contents; educational establishments and public organizations have publicized it by conducting seminars and discussion meetings, putting out introductory and propaganda material, mounting photographic exhibitions and theatrical events, publishing special books and so forth. Periodicals and publications aimed at children have used copy of every kind to present the Convention to their readers in a comprehensible and approachable way.

14. In order to give effect to the Convention, the Government and society at large have organized nationwide movements of every description - the Loving Heart Movement, Project Hope, the Torch Programme, the Dandelion Programme, the Help the Disabled Movement, and the Spring Buds Scheme (for fuller details see the relevant paragraphs of the report) - and by mobilizing the entire country have done some really good work for children and young people, impressing the Convention on people's consciences and enabling action taken under it to produce prompt results.

15. Reporting on the implementation of the Convention is also an important way of publicizing it. Before compiling this report, the Government invited representatives of the various ministries and public organizations concerned and some children's organizations to discuss the basic content and major stand points, canvassed widely for opinions, and asked the ministries, groups and organizations to supply basic material and relevant statistics from within their spheres of competence. The competent government departments repeatedly sought the views of the ministries, groups and organizations on the report during the drafting process and amended it accordingly. Once it was complete, it was finalized by unanimous agreement of the parties concerned.

16. The report, once it had been formally decided to submit it, was again sent to the relevant government departments, public and young people's organizations. These, on the basis of practical requirements, distributed and transmitted details of the report to the general public by all available means. The competent government departments sent copies of the completed report to the domestic news media, public organizations, work units and individuals interested in the protection of children's rights and interests. China, being vast, has a great many groups and individuals interested in children's affairs, and it would be difficult to distribute and publicize the report widely using government resources and manpower alone. Making use of a variety of approaches - government, public organizations and children's organizations - to do so is therefore an effective way to going about the task.

II. DEFINITION OF THE CHILD

17. The Protection of Minors Act is an important piece of national legislation on the rights and interests of children drawn up to coordinate compliance with the Convention. Article 2 of the Act states: "A 'minor' is a citizen who has not attained 18 years of age." This is basically identical to the Convention's definition of a child, and the most comprehensive and effective definition of children in domestic Chinese legislation. In terms of

practical law enforcement, citizens meeting this stipulation enjoy all the rights laid down in, and are entitled to protection under, the Convention.

18. The General Rules of Civil Law are an important piece of legislation protecting citizens' civic rights and interests. Rule 9 states: "Citizens possess civic rights and capacity from the moment of their birth to the moment of their death, and shall enjoy their civic rights and discharge their civic duties in accordance with the law." Rule 11 states: "Citizens aged 18 or over shall be considered adults, ... citizens aged 16 or over but not yet 18 whose income from labour constitutes their principal means of support shall be deemed to have full civil capacity. Rule 12 states: "Minors aged 10 and over have limited civil capacity, and may perform civic actions consistent with their age and knowledge; ... minors aged under 10 have no civil capacity, and their legally designated representatives shall perform civic actions on their behalf."

19. Article 5 of the Marriages Act states: "The marriageable age for boys shall be not less than 22 years, and for girls, not less than 20 years." And article 11 of the Protection of Minors Act states: "The parents or other guardian may neither permit nor compel a minor to marry, nor may they conclude a marriage contract on the minor's behalf."

20. To prevent minors from being exposed to unhealthy working conditions, the State has instituted a series of laws and regulations. Article 28 of the Protection of Minors Act states: "No organization or individual may employ a minor aged under 16 years except as provided by State regulations. Any organization or individual that, in accordance with the relevant State regulations, employs a minor aged between 16 and 18 years must comply with State regulations regarding the type and duration of work, arduousness of the work and safety measures, and may not assign such minor to excessively heavy, toxic or harmful work or to dangerous occupations." No. 12 of the Pneumoconiosis (Prevention and Treatment) Regulations prohibits minors under the age of 18 from engaging in dusty occupations.

21. The Regulations Prohibiting Child Labour issued by the State Council specify: "The term 'child labour' means labour performed for economic reward by a child or youth under the age of 16 in a working relationship with a work unit or individual, or on his or her own account. Participation by youths and children under the age of 16 in household chores, work experience organized by schools, and auxiliary work authorized by the people's government of a province, autonomous region or directly administered municipality which is not injurious to their physical or mental health and is consistent with their abilities shall not be categorized as child labour."

22. Article 12 of the Military Service Act states that male citizens who have attained the age of 18 years before 31 December each year will be drafted to perform military service.

23. The Compulsory Education Act stipulates that the State will provide nine years of compulsory education and "all children who reach the age of six in the course of the year, irrespective of their sex, nationality and race,

must enter school for the prescribed number of years of compulsory education. In areas where conditions do not permit this, school entry may be deferred until the age of seven."

24. Article 37, paragraph 2, of the Administrative Proceedings Act states: "no person who is physiologically or mentally deficient, under age, unable to tell right from wrong, or unable clearly to express his feelings may serve as a witness." Chinese law makes no specific rule about a minimum age for minors appearing in court as witnesses; the competent judicial organs decide, in the light of the law cited above and on the basis of actual circumstances.

25. Article 10 of the Protection of Minors Act states: "Minors' parents or other guardians must bring them up in an intellectually healthy, moral and fitting manner, guiding them towards activities beneficial to their physical and mental health, and warning them against and preventing them from smoking, excessive drinking, vagrancy, gaming, drug taking and prostitution." Article 21 states: "Vagrant, beggar and runaway minors shall be returned to their parents or other guardian by the Department of Civil Administration or other competent department; if for a period there is no means of tracing their parents or guardian, they shall be taken in and cared for at a child welfare facility established by the Department of Civil Administration."

26. Beyond the circumstances mentioned above, the State has no clear regulations governing the age of minors seeking legal or medical advice without the consent of their parents; thus it may be inferred that the State imposes no legal limits on such action by minors. This is not to say that minors can do anything they please; they are constantly receiving advice, instruction and guidance from the home, the school and the competent bodies, and constrained by social mores.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

27. Article 33 of the Constitution states: "Citizens of the People's Republic of China are equal before the law. All citizens possess the rights and must assume the duties laid down in the Constitution and laws." This is ample legal underpinning for the enjoyment by children of every nationality in China of all the rights laid down in the Convention on an equal footing and without discrimination. This constitutional underpinning is also the guiding principle for ongoing legislative, judicial, administrative and other activity by the State, the Government and public organizations to protect children's rights.

28. Article 8 of the Protection of Minors Act states: "No discrimination shall be practised against female or disabled minors."

29. Article 19 of the Marriages Act states: "Unmarried women shall enjoy the same rights as married women; no one may endanger them or discriminate against them." The Inheritance Act states that female children, whether born in or out of wedlock, adopted or fostered, shall enjoy the same rights of inheritance. Males and females have equal title to inherit.

30. No. 5 of the regulations issued in implementation of the Compulsory Education Act states: "Children reaching the age of six in any year, irrespective of their sex, nationality or race, shall enter school to receive the statutory number of years of compulsory schooling." In addition to these provisions, the State has a series of administrative regulations and systems together making an overall framework within which children can exercise their rights on an equal footing and without discrimination.

Practical enforcement

31. All Government departments and public organizations, including children's organizations, comply fully with these constitutional principles in their framing, execution and supervision of plans, projects, regulations and activities of relevance to the protection of children's rights and interests. Additionally, the State and society make allowance for the specific circumstances of children from ethnic minorities, children in poor districts and disabled children through special preferential measures and political concessions to ensure that their rights are effectively safeguarded. The Programme Outline for the 1990s stipulates: "emphasis should be laid on efforts to support children from minority nationalities and from outlying and poor regions. [...] Special support shall be given to the survival, protection and development of children from economically undeveloped areas." Fuller details will be given in the appropriate sections of this report.

32. Special emphasis needs to be laid on article 32 of the Constitution: "The People's Republic of China shall protect the lawful rights and interests of foreigners within Chinese territory." No. 8 of the General Rules of Civil Law states: "The provisions of this law relating to citizens shall apply to foreigners and stateless persons within the territory of the People's Republic of China except as otherwise provided by legislation." Moreover, the State has issued a series of provisions on the education and upbringing of foreign and refugee children and other related subjects, thereby effectively guaranteeing that such children may also exercise their lawful rights and interests on an equal footing.

B. Best interests of the child (art. 3)

33. It is the duty of the State to protect the best interests of the child; it is also a principle laid down in the Constitution and the laws. Article 46 of the Constitution stipulates that: "The State shall foster the comprehensive development of youths, teenagers and children in moral, intellectual, physical and other regards." Article 49 states: "Marriage, the home, mothers and children shall enjoy State protection.[...] Parents shall be under a duty to educate their minor children,[...] and prohibit the maltreatment of the old, women and children." These constitutional principles establish a legal basis for the functional activities of State administrative, judicial and social welfare facilities of all kinds, serving generally to guide and restrain.

34. Article 4 of the Protection of Minors Act states: "In the protection of minors, the following principles must be observed: (a) Safeguarding of minors' lawful rights and interests; (b) Respect for minors' individual dignity; (c) Suitability to minors' states of mental and physical development;

(d) The integration of education with protection." Article 5 states: "the State shall guarantee minors' personal property and other lawful rights and interests of minors against violation. It is the joint responsibility of the State apparatus, the armed forces, political parties, public organizations, business organizations, township, village and grass-roots-level mass political organizations, minors' guardians and other adult citizens to protect minors." These two provisions afford a fairly comprehensive and regulated statement of the governmental functions, social role and working principles associated with, and the legal responsibilities to be shouldered in, the protection of children's rights and interests; thus it can be seen that the legal framework and social safeguards erected by China for the protection of children's best interests are serious, solid and effective.

Practical enforcement

35. The Chinese Government consistently advocates a raising of the quality of the entire nation, from childhood on; this is its basic plan for the construction of a progressively more modern China. In the outline of the 10-year programme for national economic and social development and the Eighth Five-year Plan (considered and approved in April 1991 by the Seventh National People's Congress at its fourth session) the many important targets set by the State for the protection of children's rights and interests included objectives in general education and a variety of targets for improvements in infant and child health care and increases in living standards, thus amply demonstrating the State's basic policy and practical course of guaranteeing and promoting children's all-round development as a major component of national economic development.

36. The home is the basic social unit of a child's life, and the child's parents are the individuals with most responsibility for its upbringing, education and protection. A variety of laws spell out parents' responsibilities for educating their children. Some of these have been mentioned above, and some will be explained in other paragraphs of the report.

C. The right to life, survival and development (art. 6)

37. Besides article 49 of the Constitution (mentioned in paragraph 26 above), No. 98 of the General Rules of Civil Law states: "Citizens have a right to life and health". Article 35 of the Women's Rights Act prohibits drowning, abandoning or injuring female infants.

38. Article 131 of the Penal Code states that the State shall "protect citizens' personal, democratic and other rights, and shall not allow any individual or agency to violate them unlawfully."

39. Article 26 of the Marriages Act states that: "The male partner may not seek a divorce while the female partner is pregnant or within one year of her giving birth. If the female partner seeks divorce, or if a people's court rules that it must receive a divorce petition from the male partner, this limit shall not apply." Article 29 of the same Act states: "after divorce, parents shall still have the right and duty to bring up and educate their children. After divorce, the principle shall be that nursing children shall continue to be looked after by the mother."

40. Article 8 of the Protection of Minors Act states: "Minors' parents or other guardians must fulfil their tutelary responsibilities and their duty of care; they must not ill-treat or abandon minors." Article 52 states: "Criminal violation of a minor's personal or other lawful rights shall be investigated in accordance with the law in order to attribute criminal responsibility. A family member grossly ill-treating a minor shall be investigated and held to account in accordance with article 182 of the Penal Code (criminal ill-treatment). ... Persons who criminally neglect their duty to bring up a minor shall be investigated and held to account in accordance with article 183 of the Penal Code (criminal neglect). Any individual drowning an infant shall be investigated and held to account in accordance with article 132 of the Penal Code (deliberate homicide)."

Practical enforcement

41. China is the world's most populous nation, and its efforts to protect its children's rights to life and survival have been highly successful thanks to the great attention paid to this matter by the State and the combined efforts of the population at large. Infant mortality rates have declined from the 20 per cent or so of 1949 to 4.57 per cent in 1994, and mortality in the under-fives is 5.52 per cent (findings of national surveys). Since China gave its undertaking to the international community in 1991, its annual infant and under-five mortality rates have both declined, to 4.6 per cent and 4.9 per cent respectively; it has achieved 85 per cent of its established target for children's vaccinations. Census figures from 1992 show that children's height, weight and growth parameters have also clearly increased.

42. China has already reduced its infant mortality rate to one third of the average in developing countries. No other country with a similar per capita income has reached such a level. On the evidence, China's infant mortality rate now lies between that of the developing and the developed countries.

43. The United Nations has set a target of reducing infant mortality rates to one third of their 1990 levels by the year 2000. To attain this goal, the Chinese Government has already taken a series of measures, concentrating its efforts on geographically handicapped and poor regions; through the gradual establishment and bolstering of mother-and-child health-care facilities and preventive measures, through widespread publicity and dissemination of information about mother-and-child health care, through training for grass-roots mother-and-child health-care workers and similar measures, it is actively raising the capacity for mother-and-child health care and thereby effectively raising living standards and lowering mortality rates for both women and children.

D. Respect for the views of the child (art. 12)

44. No. 12 of the General Rules of Civil Law states: "Minors aged 10 and over have limited civil capacity, and may perform civil actions consistent with their age and knowledge. Other civic actions shall be performed by or with the consent of their legally designated representatives."

45. Article 11 of the Adoption Act states: "Adoption of a minor aged 10 or over requires the consent of the person being adopted."

46. Article 15 of the Marriages Act states: "If its parents do not fulfil their duty of care, a minor child or child incapable of leading an independent life shall be entitled to seek maintenance from them."

47. The Supreme People's Court's 1989 ruling, "some views on the handling by the people's courts of cases concerning couples cohabiting without registering a marriage", states that when a bond of unmarried cohabitation is dissolved, it is a matter for negotiation between the partners which one of them is to bring up any children born out of wedlock to them. Where a child has limited legal capacity, its views must be sought."

48. "Some (experimental) dispositions by the Supreme People's Court concerning the handling of criminal cases involving minors", issued in 1991, states in paragraph 15: "Before hearings are opened in court, the understanding and views of the minor accused regarding the crime with which he is charged must be ascertained".

Practical enforcement

49. In view of the incessant spread of education and continual improvements in the legal system, the opinions and views of minors on their own and other's affairs enjoy increasing respect and attention in everyday life. Besides the judicial procedures mentioned above, where the judicial organs are required to ascertain or appropriately seek the views of the minors involved, minors' opinions and viewpoints are not ignored in their normal lives and studies. In the home, at school and in some public institutions, respect for the views of minors is the norm. The overwhelming majority of parents, teachers and social workers say that respect for the views of minors does not impinge on their responsibility for providing minors with guidance.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

50. No. 99 of the General Rules of Civil Law states: "A citizen has a right to a name and is entitled to decide on, use and, in accordance with established procedures, change his own name; interference, usurpation and impersonation by others is forbidden."

51. No. 7 of the Household Registry Regulations reads: "Within the month following the birth of a child, the head of household, a relative, foster parent or neighbour must report the birth to the Registry for the child's place of permanent residence. The birth of foundlings must be reported to the Household Registry by the foster parent or by the foundling care institution."

52. Article 3 of the Nationality Act states: "The People's Republic of China is a unitary multi-ethnic state, persons of all ethnic groups possessing Chinese nationality." Article 4 reads: "An individual born in China to parents either or both of whom are Chinese citizens shall possess Chinese nationality." Article 6 reads: "An individual born in China to parents who

are stateless or of indeterminate nationality and resident in China shall possess Chinese nationality." Article 7 states: "A foreign or stateless person who is willing to comply with the Chinese Constitution and laws and answering to one of the following categories may apply for Chinese nationality: (a) close relatives of a Chinese person; (b) persons resident in China; (c) persons having other valid grounds." Article 13 states: "The application procedure must be followed for acquisition, loss and reinstatement of Chinese nationality except as provided in article 9 above (which refers to automatic loss of nationality). Persons under the age of 18 may apply through their parents or other legally designated representatives." A child's right to acquire and possess Chinese nationality is amply protected by these legal provisions.

Practical enforcement

53. Household Registries are local police stations of the State security organs in residential areas. They report all certificates of birth and applications from parents to the higher authorities, with no need for further procedures.

54. In practice, the overwhelming majority of Chinese children acquire Chinese nationality at birth and no further procedures are required. Chinese children do not normally lose their Chinese nationality if they move overseas, unless they go through the procedures to repudiate their nationality or legally acquire the nationality of a foreign country.

B. Preservation of identity (art. 8)

55. No. 20 of the General Rules of Civil Law states: "If a citizen's right to a name or right to control his own image, reputation or honour is injured, he shall be entitled to seek the cessation of the injury, restoration of his reputation, elimination of the [adverse] effects, and an apology; he may also seek compensation for his losses."

56. Article 183 of the Penal Code states: "Persons who neglect their duty to care for elderly persons, young children, invalids and others incapable of independent living shall, in severe cases, be punished by up to five years' imprisonment, labour in detention or surveillance." Article 184 states: "Any person who abducts or takes a child under the age of 14 away from his home or guardian shall be punished by up to five years' imprisonment or labour in detention."

57. Article 5 (e) of the Protection of Minors Act states: "The State, society, the school and the family must teach and help minors to follow legal procedures in order to protect their own lawful rights and interests." These various provisions make the preservation of children's identities and other lawful rights and interests a collective responsibility and duty.

Practical enforcement

58. The application of these measures is explained in other sections of the report.

C. Freedom of expression (art. 13)

59. Article 35 of the Constitution states: "Citizens of the People's Republic of China enjoy freedom of expression, freedom of the press, freedom to assemble, freedom of association, freedom of travel and freedom to demonstrate." These are civil rights not admitting of any distinction on grounds of age.

60. The Government Administration Council, in its 1952 decision "On guarantees of the equal national rights of those constituting scattered minority nationalities," ruled that all the people making up a scattered minority nationality enjoy the same freedom of expression as the Han Chinese living in the same neighbourhood, and forbade discrimination against them.

Practical enforcement

61. Freedom of expression enjoys substantive guarantees in minors' daily lives. The State, public organizations and schools offer many ways for minors to express their desires. Young people, teenagers and children all have their own newspapers and publications. According to incomplete statistics, there are over 180 different children's newspapers and publications in China, which also has over 30 publishing houses specializing in the production of reading matter for children. These material guarantees enable children to express their views and explain their positions on matters relating to their own lives. Minors can also exercise their right to freedom of expression in a wide variety of individual and collective activities. Examples of which occur daily in quantities too great to detail individually.

D. Access to appropriate information (art. 17)

62. Article 24 of the Protection of Minors Act says: "The State shall encourage news, publishing, broadcasting, film, television, artistic and other work units, workers, scientists, artists and other citizens to produce or provide items of benefit to minors' healthy growth. The State shall support the issuance of books, publications, recordings and other published material intended for children." Article 25 of the same Act states: "Organizations and individuals are strictly forbidden to sell, rent or otherwise distribute obscene, violent, horrific or terrifying books, publications and recordings or other such injurious material to minors.

63. The Protection of the Disabled Act stipulates in article 38 that the State shall "organize and support the creation and publication of reading material in braille and talking books for the blind, reading material for the deaf and reading material for the mentally deficient, shall ran television programmes in sign language and shall add subtitles and explanations to some screen products."

Practical enforcement

64. Provided they do not breach the legal provisions above, nationally and locally produced radio broadcasts, films, television programmes, newspapers and other published material containing information suitable for children and

not subject to other restrictions can be freely listened to, watched and read. Special mention should be made of Beijing Children's Radio, which went on the air in September 1993. This is China's first radio station especially for children. In order to ensure that children of every nationality throughout the country can receive appropriate information and knowledge, a great many radio programmes and films and television programmes, newspapers and other publications are put out in national minority languages.

65. As regards unsuitable material such as violent videos and other unhealthy books and publications, the State and schools use a variety of means to prevent it from exerting an influence on minors, the most important being to teach minors, through education and propaganda, to recognize the harmfulness of such material so that they will consciously resist it. The State also uses administrative and judicial procedures to ban and prosecute the unlawful purveying of unsuitable information to minors.

E. Freedom of thought, conscience and religion (art. 14)

66. Article 36 of the Constitution states: "Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public organization or individual may force a citizen to believe in religion or not to believe in religion, or discriminate between citizens who do believe in religion and those who do not."

67. The Regional National Autonomy Act states, in article 11: "The organs of self-government of national autonomous areas shall guarantee the freedom of religious belief of citizens of every nationality."

Practical enforcement

68. To give effect to guarantees of citizens' freedom of religious belief, the State has for many years set aside large quantities of money and manpower for the upkeep of some minority nationalities' temples and monasteries; it has also founded or supported institutions of religious learning, thereby helping the religious beliefs of minority nationalities to flourish. Detailed accounts have been given in China's reports to the United Nations on its compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.

F. Freedom of association and of peaceful assembly (art. 15)

69. Article 35 of the Constitution, on citizen's rights to freedom of speech, the press, assembly, association, travel and demonstration, also applies to minors.

70. Article 17 of the Protection of Minors Act states: "The assemblies, recreational and social events and other such collective activities that schools and kindergartens arrange for minors and children to take part in must be conducive to the minors' healthy growth; risks to minors' personal safety must be avoided."

Practical enforcement

71. As children develop both physically and mentally, their freedom of association and assembly chiefly manifests itself in their daily lives in the various activities they engage in out of shared interests. No organization or individual is permitted to interfere in minors' legitimate activities.

72. The State, schools and public organizations concerned support and assist social activities by minors in any way that is appropriate. The State encourages minors to participate actively in suitable social activities, and through such activities encourages them to develop an ever deeper understanding of the nature of their country and the responsibilities devolving on them.

G. Protection of privacy (art. 16)

73. Article 38 of the Constitution states: "The personal dignity of citizens of the People's Republic of China is inviolable. Insulting, libelling, bringing false charges against or framing a citizen in any manner is prohibited." Article 39 states: "The homes of citizens of the People's Republic of China are inviolable. Unlawful search of or intrusion into a citizen's home is prohibited." Article 40 states: "The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may for any reason impinge upon the freedom or privacy of citizens' correspondence except where, to meet the needs of State security or the investigation of a criminal offence, public security or procuratorial organs are permitted to censor correspondence in accordance with the procedure prescribed by law."

74. Article 30 of the Protection of Minors Act states: "No organization or individual may disclose the private affairs of a minor." Article 31 reads: "No organization or individual may conceal or destroy a minor's correspondence; no organization or individual may open such correspondence except where, to meet the needs of an investigation, the public security organs or a people's procurator inspects it in accordance with the procedure prescribed by law, or where a legally incompetent minor's correspondence is opened by its parents or other guardian."

75. No. 101 of the General Rules of Civil Law states: "Citizens and bodies corporate have the right to a name, and a citizen's personal dignity is protected by law; insulting, libelling or otherwise damaging the name of a citizen or body corporate is prohibited." Rule 102 states: "Citizens and bodies corporate have the right to honour; unlawfully depriving citizens or bodies corporate of their good name is prohibited."

76. Article 42 of the Protection of Minors Act states: "Cases involving juvenile offenders aged over 14 but under 16 years of age shall as a rule not be heard in public. Cases involving juvenile offenders over 16 but under 18 years of age shall not generally be heard in public. Before judgement is handed down in a criminal case involving a minor, news reports, television programmes and publicly available published material shall not divulge the name, residence, photograph or other matter that might identify the minor."

Practical enforcement

77. In practice, the administrative and judicial organs of the State take care to abide strictly by the relevant legal provisions and protect minors' personal dignity. Publicity about the legal system serves to remind the teaching staff at schools and parents and other adults in the home to respect minors' right to privacy. There are of course parents who out of a variety of considerations interfere inappropriately in minors' friendships and correspondence. Generally speaking, however, respect for children's right to privacy is not an issue in efforts to protect children's rights and interests in China - society, schools and households are generally cognizant of and receptive towards this right.

H. The right not to be tortured (art. 37 (a))

78. China has always taken the protection and promotion of human rights and fundamental freedoms seriously. Its Constitution and other important pieces of legislation lay down clear, detailed provisions prohibiting torture and other inhuman treatment. China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in September 1988, and formally became a party to the Convention in November of that year. In December 1989 and in 1993 it submitted reports on its compliance with the Convention to the Committee against Torture, in which it provided a detailed introduction to its legal system, the various legal provisions prohibiting torture, and the actual conditions under which the Convention was enforced.

79. In order to tighten the ban on torture, the competent judicial organs have specially instituted methods for dealing with cases involving minors. They are careful to protect all children's lawful rights and interests and avoid the possibility of any harm coming to children's bodies or health. Put shortly, since the Government, the judiciary, public organizations, schools and families have a high regard for children's rights, torture of children does not occur in China.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

80. Article 10 of the Protection of Minors Act states: "Minors' parents or other guardians must bring them up in an intellectually healthy, moral and fitting manner, guiding them towards activities beneficial to their physical and mental health, and warning them against and preventing them from smoking, excessive drinking, vagrancy, gaming, drug taking and prostitution."

Practical enforcement

81. Chinese custom assigns parents a relatively large degree of responsibility for the upbringing of their children; to ensure that they do shoulder their responsibility of providing guidance, the State devotes particular attention to providing parents with help in this area. The Programme Outline for the development of China's children in the 1990s says

that the State and society should use a variety of ways and means, depending on local conditions, to publicize and popularize the basic notions of good childbirth, upbringing and education; set up schools where parents can be given an overall grasp of the notion of home education and ways of providing it to children of different ages; and make use of the mass media and popular hits to promote nationwide home education publicity, advice and services. Such efforts are now commonplace in large- and medium-sized cities and in a number of rural districts, and the practical outcome has been good.

B. Parental responsibilities (art. 18)

82. Article 8 of the Protection of Minors Act states: "Minors' parents or other guardians must fulfil their tutelary responsibilities and their duty of care in accordance with the law; they must not ill-treat or abandon minors; no discrimination shall be practised against female or disabled minors; infanticide and the abandonment of infants are forbidden." Article 9 states: "The parents or other guardians must respect minors' right to receive an education, and are required to ensure that they receive compulsory education appropriate to their age as prescribed by law; they may not oblige minors attending compulsory education at school to discontinue their studies." Article 12 specifies that parents will be held legally accountable if they fail in their tutelary responsibilities or harm the lawful rights and interests of a minor in their care.

83. Under the influence of national tradition, family ties in Chinese society tend to be close, parental responsibilities for minor children are weighty and the overwhelming majority of parents can be said to fulfil their responsibilities towards their children conscientiously. Generally speaking, and where conditions allow, parents' responsibility to care for minors extends until their children are capable of acquiring the necessities of life for themselves. Thanks in part to such family ties and parental responsibilities, the lives and upbringing of the overwhelming majority of Chinese minors are amply guaranteed.

C. Separation from parents (art. 9)

84. Under the Marriages Act, parents' ties to their children are not dissolved if the parents divorce. After divorce, whether the children are looked after by the father or the mother, they remain the children of both parents, who both still have the right and duty to support and educate them. As a rule, nursing children are cared for by the mother. After weaning, if the parents cannot reach agreement on who is to care for them, the people's courts will rule on the basis of the children's interests and the specific circumstances of the two parties. Following these principles, in judicial practice the people's courts begin by seeking the views of school-age children of divorcing parents, and hand down a judgement that will minimize the adverse impact on the children of broken family ties. In the case of children born out of wedlock, the courts also follow these legal principles, along with the jurisprudence of the Supreme People's Court in determining the parents' duties of care.

85. To guarantee the healthy growth of nursing infants, the Administrative Proceedings Act specifies that if an offender due for arrest is a nursing

mother, she may instead be released on bail or under surveillance (art. 40 (b)). The Prison Regulations also specify that pregnant women and mothers nursing their own infants under one year of age will not be admitted to prison (regulation 10, subsection (c)). Under article 157 of China's Code of Criminal Procedure, sentences of life imprisonment, fixed terms of imprisonment or labour in detention passed on women currently nursing their own children may temporarily be served outside prison. Under the relevant provisions, an offender whose court sentence has already taken effect and has commenced prison may be visited by members of his or her family, including minor children, at least once every week. Under certain conditions, the prison may also specially arrange visits.

D. Family reunification (art. 10)

86. In February 1985, the Standing Committee of the Sixth National People's Congress passed the Citizens' Exit and Entry Control Act. With a view to the proper implementation of the Act, the State Council then promulgated detailed rules on enforcement. This put exit from and entry into China on a legal course. The legislative aim and principal objective of Chinese law on this topic is to protect Chinese citizens' legitimate right to enter and leave China and to promote international travel while protecting the sovereignty and security of the State and good public order. For years, local immigration and emigration offices, working strictly in accordance with the law, have been stepping up publicity on the legal system, improving the legal mechanisms for monitoring restrictions and raising levels of compliance, thereby putting the above provisions into smooth operation.

87. Since the onset of the reforms in China, entry and exit formalities for citizens have become steadily simpler, policy has gradually eased, and the various reforms in this area have been confirmed by legislation. Under the Exit and Entry Act, a citizen can obtain permission to leave the country on private business (to take up residence, visit family, visit friends, inherit property, study abroad at his own expense, engage in business, travel or attend to other personal matters), except in five specified circumstances: when there are unresolved criminal or civil proceedings involving the individual, or when the security or interests of the State might be at risk after the citizen's departure. In fact, virtually all applications by citizens to leave the country are approved within the legally established time-limits, permission being withheld only in very rare cases. To date, these stipulations have not affected any child's right to family reunification.

88. To enter and leave the country is the lawful right of Chinese children and their parents, and is legally protected; although there are no specific clauses in the law on children's entry and exit, children are covered by the same laws and regulations as adults. Chinese citizens permanently resident abroad, including children and their parents who briefly return home to visit relatives or friends, can enter the country on a Chinese passport, travel certificate or other valid document, and need no visa: the procedure is extremely simple. If they wish to return home permanently, they must apply to a Chinese diplomatic mission abroad, a consulate or other foreign-based agency empowered by the Ministry of Foreign Affairs before they enter the country. Alternatively, they may apply to the Public Security Bureau of the city or

county where they or relatives of theirs inside the country live for a Certificate of Permanent Return, which will be issued by the Public Security Office or Bureau of the province, autonomous region or directly governed municipality.

89. To give effect to guarantees of children's lawful right to enter and leave the country, China's Exit and Entry Control Department has introduced a number of protective measures and stipulations. A Chinese child is entitled to enter and leave China alone or accompanied by its parents on a Chinese passport or other valid entry or exit document. The Government facilitates the upbringing in China and the return home to settle of children born to overseas Chinese and Chinese who have left the country for personal reasons. In 1989, the Ministry of Public Security's Immigration and Emigration Bureau announced: "Local public security organs may register children as temporary residents to be looked after in China on the strength of the passports and residence permits in the children's possession, or of Certificates of Kinship issued by embassies or consulates together with passports incorporating residence authorization held by overseas Chinese." In 1991 it announced that the Immigration and Emigration Bureau would facilitate the return overseas, should it prove necessary, of foreign-born children of Chinese studying abroad who had been sent back home to be looked after.

90. Foreigners, including children and their parents, entering the country must apply for a visa to a Chinese diplomatic mission, consular agency or other agency abroad authorized by the Ministry of Foreign Affairs. The Foreigners' Entry and Exit Control Act and implementing regulations lay down some circumstances in which foreigners may not be permitted to enter China, chief among them being the possibility that they might engage in terrorism, violence, smuggling or drug-peddling, or that they are suffering from mental disease, AIDS, leprosy, venereal disease, incipient pulmonary tuberculosis or other such infectious diseases, or that they might engage in activities injurious to China's security or interests. These exceptions apart, it is entirely straightforward for foreigners to enter China, and the formalities are becoming steadily simpler.

E. Recovery of maintenance for the child (art. 27, para. 4)

91. The Marriages Act specifies that it is the duty of the parents to maintain and bring up their children. Minor children and children incapable of leading an independent life whose parents fail in their duty of care are entitled to seek maintenance from them. Article 19 states that the natural father of a child born out of wedlock must meet part or all of the essential costs of the child's upkeep and upbringing until the child is capable of leading an independent life. Article 29 states: "The ties between parents and children shall not be dissolved by the divorce of the parents. ... After divorce, both parents shall have the right and the duty to support and bring up their children." Article 30 states: "After divorce, one party shall bring up the children, and the other party must bear part or all of the essential costs of their upkeep and upbringing, the amount and duration of the payments to be negotiated by the two parties; if a negotiated settlement is not

reached, the matter shall be decided by the peoples' courts. A negotiated settlement or court ruling on the costs of a child's upkeep and upbringing shall be no impediment to the child's submission, in time of need, to either parent of a reasonable request for payment in excess of that stipulated in the agreement or ruling." Article 35 states that the people's courts must enforce execution, in accordance with the law, on individuals who fail to comply with a court decision or maintenance order.

F. Children deprived of a family environment (art. 20)

92. The family environment is an extremely important external factor in a child's mental and physical health and sturdy growth. A basic objective of China's laws and regulations is to protect harmonious and stable family relationships, a point firmly embodied in the aforesaid laws.

93. Despite State laws and administrative measures by the Government, it does happen that children lose their family environment in everyday life. According to figures released by the Ministry of Civil Administration, there were nearly 16,000 orphans and infants in care in State-run municipal and public institutions in December 1993. Every year, the State and local treasuries set aside some 200 million yuan for 1,213 care institutions (including institutions for 60,000 old people) to cover the upkeep, education and health care of their inmates (see annex, table 4). In the countryside, orphans and infants tend to be looked after in old folks' homes. Orphans and infants that cannot be institutionalized are educated and supported individually, as the law requires.

94. To raise the standard of management and services, the Ministry of Civil Administration has issued standards for the classification of State-level public care institutions; individual provinces have instituted provincial-level standards and regulatory systems, and often conduct specialized training for the staff.

95. In October 1993, a promotional meeting of the Ministry of Civil Administration and its ancillary public services in Beijing put forward a plan for public orphan care and education facilities on the Chinese mainland. This was China's first large-scale charitable scheme seeking to use social forces to help orphans. It would improve living and educational conditions for orphans on the Chinese mainland by means of long-term fund raising at home and abroad.

96. Since the mid-1980s, the Government, public organizations, individuals and international agencies have set up or financed a number of SOS children's villages, inviting adults who love children and want to protect their interests to create new, long-term families in these villages with foundlings and children who for other reasons have lost their own families, thereby affording their physical and mental health some protection. To date, SOS-Kinderdorf International has set up four villages in China, together catering for 395 children. Individuals and organizations within China have set up 10 further villages with a capacity of several hundred.

G. Adoption (art. 21)

97. The Adoption Act was passed by the Standing Committee of the seventh National People's Congress in December 1991. The Act specifies that the underlying principle of adoption is to benefit the healthy growth of the minor, and defines the adopter, the adoptee and the conditions governing adoption. Where the adoptee is a child aged 10 or over, adoption requires his or her consent. The sale of children, or sale masquerading as adoption, is strictly prohibited, and offenders are punished in accordance with the law.

98. In the interests of transnational adoption, the Government has laid down a procedure for the adoption by foreigners of children in the People's Republic of China. This specifies that transnational adoptions must be arranged by an adoption agency approved by the Chinese Government (the China Adoption Centre), and limits the expenses payable to ensure that arranging transnational adoptions does not bring inappropriate financial rewards to those involved.

99. As a practical guarantee of the adopted child's interests, the Government has laid down a strict procedure for adoption, requiring every effort to be made to seek out the child's natural parents and specifying that the expenses paid to a public care institution that offers a child in its care for adoption must be used to raise the standard of living and improve the upbringing offered to the other children in the institution's care.

H. Illicit transfer and non-return (art. 11)

100. Article 19 of the Adoption Act states: "The sale of children, or sale masquerading as adoption, is strictly prohibited." Article 13 stipulates that the Department of Public Security can fine people who abandon their children or put them up for sale and can, where the circumstances are grave enough to warrant treating the matter as a crime, institute criminal proceedings under article 183 of the Penal Code and the decision of the Standing Committee of the National People's Congress "On severe punishment of criminals who kidnap or abduct girls for sale."

101. The Standing Committee's decision, adopted in 1991, established six new categories of crime: the abduction for sale of women and children; the kidnapping of women and children; kidnapping for purposes of blackmail; the purchase of abducted and kidnapped women and children; mass obstruction of efforts to rescue purchased women and children; and the abuse of office to hinder the rescue of abducted and kidnapped women and children. The decision orders harsh treatment for those who steal, abduct, kidnap, put up for sale or buy children.

102. Solid though these State legislative and administrative safeguards may be, in practice there are still some problems which adversely affect children's lives and healthy growth, such as an upsurge in recent years of kidnappings and abductions of children, and the persistence in some economically backward rural areas of instances of female children being abandoned or killed. The State legislature, administration and judiciary are paying close attention to these problems and taking steps to stop and punish criminal activities injurious to children.

I. Prevention of abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

103. No. 17 of the Kindergarten Regulations states: "Corporal punishment and disguised corporal punishment of children is strictly prohibited." Regulation 18 states: "Kindergartens must institute sanitary arrangements to guard against food poisoning and the spread of infectious diseases." Regulation 19 says that they must institute safety arrangements to guard against danger.

104. The Protection of Minors Act states that parents or other guardians must not ill-treat minors. The teaching staff at schools and kindergartens must not inflict corporal punishment or disguised corporal punishment on minor pupils or children or engage in other conduct injurious to human dignity.

105. Article 182 of the Penal Code states that anyone who grossly ill-treats a member of his or her family shall be punishable by up to two years' imprisonment, labour in detention or surveillance. If the maltreatment results in serious injury to or the death of the victim, the penalty is between two and seven years' imprisonment.

Practical enforcement

106. Thanks to the State's policy of reform and thorough application of family planning measures, living standards have been steadily increasing and the degree of respect and consideration children enjoy both within the family and in society has likewise grown. The overwhelming majority of children have happy and safe family and public lives. There are still some extremely rare cases of children whose parents, owing to an imperfect understanding of the right way to bring up children or under the influence of bad traditions (such as favouring boys and disparaging girls) do ill-treat and humiliate them. The Government and public organizations concerned take such cases extremely seriously, and use educative and corrective action under the law or through the mass media to prevent children from coming to physical or mental harm.

J. Periodic review of placement (art. 25)

107. Article 21 of the Protection of Minors Act states: "Vagrant, beggar and runaway minors shall be returned to their parents or other guardian by the Department of Civil Administration or other competent department; if for a period there is no means of tracing their parents or other guardian, they shall be taken in and cared for at a child-welfare facility established by the Department of Civil Administration."

108. The Rural Support Guarantee Regulations state that rural people who have no legal provider or whose legal provider is unable to provide for them, people unfit for work, people with no livelihood, elderly people, invalids and minors shall enjoy the "five guarantees": guaranteed food, housing, clothing, medical care and burial. The "five guarantees" are targeted at minors, and they should also ensure that children receive their compulsory education as the law requires.

Practical enforcement

109. The State pays close attention to the question of juvenile vagrancy; the Department of Civil Administration has set up agencies to help and protect juvenile vagrants, and a network has gradually taken shape. Many steps have been taken over the past 40 years to induce millions of vagrant children to abandon the vagrant life, rejoin their families and grow up happy and healthy.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

110. The Constitution says that the State promotes the all-round moral, intellectual and physical development of children and young people. Article 3 of the Compulsory Education Act goes on to state that, during compulsory education, efforts must be made to improve the quality of instruction and enable children and adolescents to achieve all-round development - morally, intellectually and physically.

111. No. 98 of the General Rules of Civil Law states: "Citizens have a right to life and health."

112. No. 22 of the Kindergarten Regulations states that the Department of Education Administration is responsible for overseeing the work of kindergartens, and must assist the Department of Health in monitoring and guiding health and hygiene activities at kindergartens.

113. The Regulations also state that if kindergarten premises and facilities do not meet State health or safety standards, endanger children's physical health or lives, or if the teaching and teaching methods go against the general pattern of child upbringing and threaten the children's physical or intellectual health, the Department of Education Administration may, depending on the gravity of the case, order matters to be put right, halt enrolment or halt the operation of the kindergarten.

114. No. 10 of the Prison Regulations states that prisons may not accept as inmates pregnant women or women nursing their own infants under one year of age.

B. Disabled children (art. 23)

115. Article 45 of the Constitution states: "The State and society help to make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens."

116. No. 104 of the General Rules of Civil Law states that the lawful rights and interests of disabled persons are protected by law.

117. Article 8 of the Adoption Act states that adoption of a disabled child is not subject to the usual requirements that the adopter must have no children of his or her own, must be aged over 35, and may adopt only one child.

118. In December 1990, the Standing Committee of the National People's Congress promulgated the Protection of the Disabled Act. This Act, comprising 9 sections and 54 articles, contains comprehensive, systematic provisions on the restoration to health, education, employment, cultural life, well-being, environment, and legal responsibilities of disabled persons.

119. Article 2 of the Act states: "A 'disabled person' is a person suffering some psychological, physiological or bodily loss of function, dysfunction or abnormality who is wholly or partly incapable of leading a normal life. Disabled persons include persons with visual, hearing or speech defects, deformities of the limbs, intellectual and psychological disabilities and multiple disabilities, and other disabled persons." Article 6 states: "People's government at every level must incorporate the cause of the disabled into national plans for economic and social development, list the associated spending in their budgets, plan comprehensively, strengthen leadership, coordinate their actions, and take steps to ensure the coordinated advance of the cause of the disabled alongside that of the economy and society. [...] The relevant people's government departments at every level must maintain close contacts with disabled people, seek their opinions and work with them in their respective domains." Article 8 states: "The Chinese Federation of Disabled Persons and its local branches shall represent the common interests and defend the lawful interests of the disabled, and work together to educate and serve the disabled."

120. Every provision of the Act is applicable to disabled children. The Act also contains specific provisions on the question of special protection for disabled children. Article 9 states: "The legal provider for a disabled person must fulfil his duty towards the disabled person. The guardian of a disabled person must exercise a duty of care and protect the lawful rights and interests of the person in his or her care. The ill-treatment or abandonment of a disabled person is prohibited. [...] The family members and guardians of disabled persons must encourage and help them to increase their independence." Article 18 says: "The State, society, schools and families shall provide disabled children and adolescents with compulsory education. The State shall waive schooling fees for disabled pupils undergoing compulsory education, and may, depending on the circumstances, waive miscellaneous fees. The State shall establish a scholarship fund and assist poor disabled students in the pursuit of their studies." Article 22 states: "Ordinary primary and junior middle schools must admit disabled children and adolescents capable of adapting to their curriculums; ordinary senior middle schools, secondary-level vocational schools, technical schools and institutions of higher learning must admit disabled candidates who meet the State standards for admission, and may not refuse them admission on account of their disability. If admission is refused, the persons concerned or their relatives or guardians may request the department concerned to take action, and the department concerned shall instruct the educational institution to admit the candidate. Ordinary educational institutions for small children must accept handicapped children capable of adapting to their routines." Article 23 states: "Disabled children shall be given pre-school training in classes organized for them by educational institutions for young disabled children or extra classes put on for them by educational institutions for normal children, in pre-school classes at special schools, at institutions caring for disabled children, and by their families. Disabled children and adolescents incapable of receiving

an ordinary education shall be given compulsory education in special classes at special schools and extra classes put on at ordinary schools at the junior middle level and below."

121. Beyond this, the Act states that disabled persons have the same rights as other citizens as regards their political, economic, cultural, social and family lives. Discriminating against, humiliating or imposing upon disabled persons is prohibited. The State is promoting efforts to prevent disability; it guarantees disabled persons' rights to remedial treatment, work, recreation and well-being. It has designated the third Sunday in May each year as National Help the Disabled Day, to teach society as a whole to respect, care for and help the disabled.

122. The Code of Criminal Procedure states: "If the defendant, being deaf, mute, or a minor, has not entrusted anyone with his defence, the people's court shall designate a defender for him."

Practical enforcement

123. According to statistics from the Chinese Federation of Disabled Persons, there are 8,173,500 disabled persons under 14 in China, 2.66 per cent of the country's children; of these, 6,252,600 are schoolchildren aged between 6 and 14.

124. According to figures from the national congenital defect monitoring network, roughly 400,000 children with defects are born in China every year. A survey of intelligence in 0 to 14-year-olds shows that one Chinese child in 100 is mentally weak. One reason for birth defects is that couples of child-bearing age, in some poor and backward rural areas, influenced by low educational levels and undesirable practices (such as marriage between close relatives), pay no attention to family planning or to staying healthy during pregnancy. Inauspicious natural conditions in some regions (such as iodine deficiencies) can also influence the development of babies' brains and lower children's intelligence.

125. China has done much in recent years to treat children's ailments and prevent disabilities, with some success as described below.

1. Prevention of disability

126. "Prevention is better than cure" has long been an important and potent trend in health care in China; the country has insisted on vaccinations for many years, and with each year the rate of vaccinations against polio has gone up, while the incidence of infantile paralysis has plummeted. The Programme Outline for the 1990s proposes that by 1995, the children in 85 per cent of villages and townships should have undergone scheduled immunizations, including vaccination against tetanus toxin), and in 90 per cent by the year 2000. It also calls for the ultimate eradication of infantile paralysis.

127. Primary and middle schools promote frequent eye check-ups and teach pupils how to care for their eyes, reducing the incidence of impaired vision.

The curriculum outline for the nine years of compulsory education put out by the State Committee on Education now includes health education such as mental hygiene for primary and middle schools.

128. Radio, television and popular science books are used to spread information on mother-and-infant health care and reduce disabilities due to transmissible disease; women of child-bearing age and children in iodine-deficient districts are given supplementary iodine substantially reducing the incidence of mental disability in children. The investigation and treatment of hyperactivity, learning problems, behavioural difficulties, difficulties in adjustment, retarded mental development and other such commonly seen illnesses and mental problems have begun to be developed in the past two years.

2. The "three remedial treatments"

129. In 1988, the State Council approved a five-year work outline for the disabled in China (1988-1992) and launched the "three remedial treatments", including remediation for the sequelae of infantile paralysis and speech therapy for deaf children. By late 1993, 360,000 children had undergone remediation for the sequelae of infantile paralysis, which was roughly 98 per cent effective, and 50,000 deaf children had undergone hearing and speech therapy.

130. To ensure that the disabled keep pace with developments in the economy and society, the Government's Eighth Five-year Plan Outline for the Disabled in China (1991-1995) calls for a further 60,000 patients to have undergone remediation for the sequelae of infantile paralysis, 20,000 to have undergone hearing and speech therapy and 20,000 (largely children under 14) to have been given ophthalmic devices to correct impaired vision in the latter three years of the Plan. The State will make a contribution towards the costs.

131. The Ministry of Health, the Ministry of Civil Administration and the Chinese Federation of Disabled Persons have jointly put out "key points of the Eighth Five-year Plan for remedial medical care", proposing overall targets for the formation of strengthened remedial medical teams and the establishment of remedial and therapeutic institutions.

132. China now has 30 provincial-level remedial treatment centres for the deaf and over 1,000 placement facilities and training courses for disabled children.

3. Community rehabilitation

133. Roughly 80 per cent of China's children live in the countryside. In order to attain the target set out in the World Health Organization's global strategy "Health for All by the Year 2000", full use is being made of the country's three-tier urban and rural health-care network to expand community rehabilitation, so that the majority of disabled children at the grass-roots level can receive basic rehabilitation services. In recent years the State and local governments have concentrated on the creation of a system based on village clinics and small-town hospitals, with district and county centres as hubs and metropolitan health-care facilities providing guidance. A special

feature of the system is its strengthening of community services and, through them, of follow-up therapy and guidance. A vocational counselling and two-way referral system is gradually taking shape at the county, township and village levels and an appropriate rehabilitation technology service is being developed.

134. Under the guidance of local government at all levels, community rehabilitation steering groups are being set up, with participation from the Departments of Health and Civil Administration and the Federation of Disabled Persons, to coordinate and apportion tasks, establish community rehabilitation programmes and organize activities. Additionally, families are beginning to team up with kindergartens, child-care facilities, schools and communities to give the parents of mentally handicapped children some theoretical training in rehabilitation and offer the children some training in looking after themselves and some intellectual stimulation.

135. To ensure that disabled children receive good care and remedial treatment, the Department of Civil Administration has since 1982 been running a joint "Community Rehabilitation of Disabled Children" programme with the United Nations Children's Fund. To date, children's rehabilitation networks have been established in 32 cities and counties in 23 provinces, providing a systematic training for the parents of, and people working with, disabled children; these have effectively raised standards of rehabilitation for disabled children.

4. Special education

136. "Some views on the development of special education", promulgated by the State Council in May 1989, points out that the principle underlying China's development of special education is "a combination of popularizing and standard-raising, the emphasis being on the popularizing"; the basic policy is to "focus on primary and vocational and technical education, actively promote pre-school education, and gradually develop secondary and higher education". "Some views" calls on local governments to plan special education as a single activity and expand it substantially so that by the year 2000 the country's many blind, deaf and mentally weak children of school age will be able to attend school.

137. In 1993, China had 1,123 special schools and a further 3,568 ordinary schools which offered special classes; between them, they had raised the number of pupils receiving special education at school to 370,000. There were, in addition, many disabled children attending classes in ordinary schools, so that the school enrolment rate for disabled children of school age was 60 per cent. The country has a total of 29 vocational training centres for disabled pupils and 33 teacher-training institutes for secondary-level special education, while 4 teacher-training universities offer special education as a specialized subject.

5. Cultural life

138. In 1993, China had over 1,700 cultural and recreational facilities for disabled persons; it was publishing magazines and reading material specially suited to their needs; Shanghai, Beijing and other major cities set up

spoken-word libraries and television programmes in sign language for the deaf; there were two touring shows of disabled peoples' talents and achievements. Altogether the State has staged three national sports meets for the disabled, and one for the Far East and South Pacific. In 1987, to foster cultural and artistic activities by disabled people, it helped to set up the Chinese Disabled Persons' Artistic League.

6. Well-being and environment

139. Under the Protection of the Disabled Act, no postage is payable on reading matter for the blind, the blind ride free on municipal public transport, and the disabled are given special consideration and facilities on public transport. Under the Detailed Planning Regulations for Urban Roads and Buildings to Facilitate Access by the Disabled, Beijing, Shanghai, Shenzhen, Guangzhou (Canton), Shenyang and Haikou have taken steps to remove obstacles in public places and alter some roads and market alleys; facilities for the disabled have been set up in newly developed areas.

140. The second national congress of the Federation of Disabled Persons was held in Beijing in October 1993. It proposed that the Federation should actively promote the prevention of disability, taking aim at the major causes.

141. Child rehabilitation is a wide-ranging process that depends on the joint involvement of the Government and all sectors of society. As State resources are not unlimited, it may take some time yet to amass the finances to satisfy all the practical requirements of protecting the disabled.

142. At present, rehabilitation therapists, medical staff, community rehabilitation workers and other such technical staff are in fairly short supply, and this, too, affects the progress of child rehabilitation to a certain extent.

143. The Chinese Federation of Disabled Persons estimates, based on their physical condition and ability to work, that nearly all disabled children of school age, apart from a very few for whom enrolment would be impossible, are capable of attending classes at normal or special schools. Their school enrolment rate has grown steadily. In 1993, enrolment rates for disabled school-age children in Beijing, Shanghai, Tianjin, Heilongjiang and Jihn stood at 90 per cent, but the rates in some outlying provinces still needed to rise somewhat.

C. Health and health services (art. 24)

144. The Protection of Minors Act lays down detailed provisions on children's health and health protection. Article 16 states: "Schools shall not cause minor pupils to engage in activities within school premises or other educational facilities that pose a threat to their bodily safety or health." Article 17 states: "The assemblies, cultural, recreational and social events and other such collective activities that schools and kindergartens arrange for minors and children to take part in must be conducive to the minors' healthy growth; risks to minors' personal safety must be avoided." Article 27 states: "No one may smoke in any classroom, dormitory, activity room, or other room used by minors for collective activities in any primary or middle

school, kindergarten or crèche." Article 32 states: "The Health Department and schools shall provide the conditions necessary for the protection of minors' health, and shall take steps to prevent disease." Article 34 states: "The Health Department shall introduce a system of vaccination certificates for children, actively combat common and recurrent diseases among children, tighten its supervision of infectious disease control and increase occupational guidance in health protection at crèches and kindergartens."

145. At its tenth session, in October 1994, the Standing Committee of the National People's Congress passed the Mother and Infant Health Protection Act. The Act seeks to guarantee the health of the mother and the infant, and to raise the quality of the population. Article 2 states: "The State shall promote mothers' and infants' health, providing the necessary conditions and material assistance to enable mothers and infants to obtain medical care and health services. The State shall support the protection of mothers' and infants' health in outlying and poor districts." Article 3 stipulates that health protection for mothers and infants must be incorporated into national plans for economic and social development. The Act also governs matters such as health care before marriage and during pregnancy, and administration and management.

Practical enforcement

146. China's Department of Health has been working on many fronts to improve children's health. Its first priority has been gradually to reduce infant and child mortality rates.

147. As in many developing countries, acute respiratory infections are common among China's children, pneumonia being the commonest source of death: every year, some 300,000 Chinese children aged 5 and under die of pneumonia. Hence pneumonia prevention and a reduction in pneumonia deaths are important and pressing tasks.

148. To investigate measures that could reduce infant and child mortality rates, China introduced in 1986 the standard case management scheme for acute respiratory infections recommended by the World Health Organization, applying it to test regions to show that the technology was suited to Chinese conditions. In 1992, the Programme Outline for the development of China's children in the 1990s approved by the State Council stipulated: "By the year 2000, standard case management and clinical management will be applied to over 90 per cent of cases of acute respiratory infection in children, reducing the incidence of death from such disease by one third." To this end, the Ministry of Health issued a national plan for the control of juvenile respiratory infections (1992-1995), seeking to reduce rural infant and child mortality through the promotion of appropriate technology, step-by-step training, health education and a management monitoring and control system. With WHO support, the acute respiratory infection standard case management scheme was extended in 1991 to 13 provinces and 27 counties nationwide; the 300 counties with UNICEF-supported mother-and-child health-care programmes also adopted the scheme. In 1991, with programme resources from the World Bank, these efforts were extended to a further 30 counties. From this base, the scheme was extended again in 1993 to a further 6 provinces and 12 counties, and in 1994 to an additional 5 provinces and 10 counties,

thus gradually approaching the goals of 85 per cent of counties applying standard case management to acute respiratory infections in infants and children, and of deaths from pneumonia in the under-fives down by the year 2000 to two thirds of the 1990 figure.

149. The second priority has been gradually to reduce the incidence of moderate and high malnutrition among the under-fives. Surveys put the incidence of malnutrition among the under-fives in China at 21 per cent: in order to ensure healthy growth for children generally, a variety of medical and health-care measures have been taken with actual conditions in mind.

150. First, health care coverage for children has been increased. In 1986 the Ministry of Health issued health-care requirements for children in towns and the countryside, making four detailed demands on the management of the child health-care system. They call for a book (cards) on the systematic case management of newborns, infants and sickly children (with rickets, malnutrition, iron-deficiency anaemia, premature babies, under-weight children and so forth) receiving conventional treatment, and periodic check-ups for children under seven, depending on their age. Management of the child health-care system permits timely identification of sick children and timely treatment. Since 1987, some regions have been using growth charts to monitor children's growth trends. More recently, specialists have also proposed "community nutrition monitoring", periodically checking children's weights and using their growth charts to facilitate early identification of problems and timely, targeted guidance and intervention. Experience shows that this is a relatively appropriate way of protecting children's health.

151. Secondly, protection, promotion and support have been given to breast-feeding, currently regarded by the international community as an important technique in child health maintenance. It is a formidable social task that requires political, legal and economic underpinnings besides energetic support from society as a whole. The Programme Outline for the 1990s sets a target of breast-feeding in 80 per cent of China's provinces by the year 2000. To reach this target, the Department of Health issued a nationwide announcement in May 1992 on the strengthening of breast-feeding, and on 7 August 1992 mounted China's first World Breast-Feeding Week rally in Beijing, calling on all sectors of society to help found children's hospitals, promote compliance with the regulations on the protection of female workers, and guarantee maternity leave of at least four months.

152. The better to protect, promote and support breast-feeding, the Government has started a drive to found children's hospitals. The Ministry of Health has set a target of founding 1,000 such hospitals by 1995. In 1992, it established a steering committee on breast-feeding techniques, launched a forum on the founding of children's hospitals and discussed an outline plan on the subject. In late November, together with UNICEF and WHO, it set up a team of auditors from China and abroad who inspected the first batch of mother-and-child clinics, maternity homes and general hospitals to register as children's hospitals for compliance with worldwide standards for children's hospitals. Since then it has fostered breast-feeding, training in the establishment of children's hospitals, and the hospital-foundation drive throughout the country. By the end of 1994, 947 children's hospitals had been established in China.

153. To reverse the steady decline in breast-feeding in China, the State has taken steps to strengthen controls on the sale of breast-milk substitutes and restrict the marketing of such substitutes. The Ministry of Health requires all manufacturers and retailers of breast-milk substitutes to conform strictly to the International Code of Marketing of Breast-Milk Substitutes and desist from supplying mother-and-child health-care facilities with breast-milk substitutes free of charge or at advantageous prices; it also prohibits the obstetrics and paediatric units at mother-and-child health-care facilities and general hospitals from accepting donations or contributions of breast-milk substitutes from companies and retailers. The Government is currently drawing up measures to control the sale of such substitutes in China, in order to safeguard breast-feeding. The Department of Health is working with the support of Government at every level and all sectors of society to ensure that more newborn babies can be breast-fed, in order to attain the target of breast-feeding in 80 per cent of provinces by the year 2000.

154. Thirdly, efforts are being made to sustain a high level of scheduled immunological coverage. Using cheap vaccines to immunize children is at present the most economical and effective way of preventing infectious diseases and lowering the child mortality rate. The Programme Outline for the 1990s lays down that "polio in young children shall be eradicated and infant and newborn tetanus eliminated by 1995, measles shall be down 95 per cent from pre-vaccination levels by 1993, and the incidence of disease shall be down 90 per cent." By 1995, 85 per cent of villages and small townships shall have been vaccinated; by the year 2000, 90 per cent. Setting and pursuing these targets is important strategically in the attainment of the major targets for the survival, protection and development of Chinese children in the 1990s.

155. China has already reached its targets of boosting child vaccination rates to 85 per cent of provinces by 1988 and 85 per cent of counties by 1990. It has established a nationwide plan for the eradication of infantile paralysis; in 1991, after moves across the country to strengthen immunization on a large scale, polio in young children was down nearly 60 per cent from the 1990 level. Modern methods of childbirth and immunization against tetanus for women of child-bearing age (including pregnant women) are being promoted to combat neonatal tetanus. A national, overall plan to eradicate tetanus in newborns is being drawn up.

156. Fourthly, steps have been taken to strengthen the "three foundations": the foundation of village and township clinics, county-level epidemic prevention stations and county-level mother-and-child clinics. This is an important task for the State Planning Commission and the Ministry of Health during the Eighth Five-year Plan. With active support and cooperation from all departments, especially the State Planning Commission and the Department of Finance, the Department of Health has already accomplished a great deal. During the Eighth Five-year Plan the State has invested specially in providing guarantees for the foundation of mother-and-child health-care facilities. The "three foundations" call for 50 per cent of the country's county-level mother-and-child clinics, county-level epidemic prevention stations and village and township clinics to have undergone a complete transformation by the end of the Plan (1995), ending up with full complements of buildings, equipment, personnel, technology and management.

157. China still being a developing country with a relatively weak economic base, large differences in levels of development in the cities and the countryside persist, and thus there are still some problems associated with child health care, the most conspicuous of which is that the rural health care network is incomplete - there are evident gaps in medical facilities and so forth by comparison with the towns. These, added to disparities in living conditions, keep the incidence of disease among rural children relatively high, and standards of nutrition among children in some poor rural areas are below normal.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

158. In the interests of better kindergarten management and the furtherance of children's education, the State Committee on Education promulgated regulations on the management of kindergartens in 1989 which formally took effect in February 1990. The regulations require people's governments at each level to draw up plans for the development of kindergartens in line with local socio-economic conditions. Regulation 8 states: "Kindergarten operators must possess suitable premises and equipment of the kinds necessary for child care and education. Kindergarten premises and equipment must conform to State health and safety standards." Regulation 25 forbids any entity or individual to intrude upon or damage kindergarten premises and equipment, or to disrupt the ordinary working of a kindergarten.

159. As jointly proposed by the China People's Insurance Corporation and the Chinese Red Cross, the Corporation began in 1991 to offer hospital in-patient insurance for children at primary and middle schools and in kindergartens. Cover, which can be taken out by organizations at any branch of the Corporation, costs between 6 and 15 yuan per person per year. The amounts paid by an insured person for treatment in hospital are reimbursed by the Corporation in accordance with a scale which generally ranges between 55 and 95 per cent (see annex, table 5).

160. Since September 1991, when the Shanghai Municipal People's Insurance Corporation introduced the (provisional) Shanghai Municipal In-Patient Insurance Scheme for pupils at primary and middle school and kindergarten children, the China People's Insurance Corporation has extended the scheme to Beijing and several other large cities, with strong support from health and education departments at every level of government. China People's Insurance Corporation figures for March 1993 show that over 5,050,000 children throughout China were by then enrolled in the scheme.

161. In June 1993, the China People's Insurance Corporation and the Chinese Red Cross jointly announced that the scheme would apply throughout the country, and called on each branch to offer such insurance as quickly as possible where circumstances would permit - since economic conditions varied - so that more and more children could avoid being unable for economic reasons to seek prompt medical attention for any ailment affecting them.

E. Standard of living (art. 27, paras. 1 to 3)

162. It has long been the objective of the State and Government to develop the national economy and improve standards of living for the masses. Thanks to the combined efforts of the Government and people, the country has made outstanding progress in raising living standards and as a result children's standards of living have also seen conspicuous improvements. According to 1992 figures, China's gross national product is almost 2.4 trillion yuan; the average per capita urban income is 1,826 yuan, and the average per capita rural income is 784 yuan. The rise in living standards has led to conspicuous improvements in children's lives, and indicators of children's physical condition and intellectual growth show large gains by comparison with the early years of the People's Republic.

163. In the last decade or so, under the policy of liberal reforms, economic performance has made great strides and China's GNP now puts it among the world's leading nations. In terms of per capita income it is rather further behind, especially as it still has a fair proportion of rural, economically undeveloped regions where people's lives are harsh and some do not even have adequate clothes and food. The lives, education, recreation and health of children in such environments are poor, and this affects their healthy growth. The Government is keenly aware of this problem and is taking steps, including mobilizing all sectors of society, to remedy the poverty in these areas as quickly as possible and bring about a general rise in living standards for children and everyone else.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

164. Article 45 of the Constitution states: "Citizens of the People's Republic of China have the duty as well as the right to receive education." To guarantee children's right to education under the Constitution, the State promulgated a Compulsory Education Act in 1986, followed by detailed implementing regulations and then, in 1994, promulgated regulations on education for the disabled.

165. Article 2 of the Compulsory Education Act states: "The State shall institute a system of nine-year compulsory education. The authorities in provinces, autonomous regions and municipalities directly administered by the central Government shall decide on measures to promote compulsory education in accordance with local levels of economic and cultural development. Article 4 reads: "The State, community, schools and families shall, in accordance with the law, safeguard the right of children and adolescents to compulsory education appropriate to their age." Article 5 reads: "All children who reach the age of six in the course of the year, irrespective of their sex, nationality and race, shall enrol in school for the prescribed number of years of compulsory education. In areas where conditions do not permit this, school entry may be deferred until the age of seven." Article 10 reads: "The State shall not charge tuition fees for students attending compulsory education. The State shall establish a system of stipends to help poor students pursue their studies." In 1992 the State promulgated the Teachers Act, containing

detailed provisions on teachers' qualifications and examinations and their social status and treatment, with a view to ensuring that children receive education of a high standard.

166. The Compulsory Education Act and the Protection of Minors Act both contain clear provisions on discipline in schools, to ensure that children's individual dignity is not injured. No. 22 of the detailed regulations issued in implementation of the Compulsory Education Act states that school work performed by children attending compulsory education must be consistent with the mental and physical development of them all.

167. Article 36 of the Women's Rights Act states that, in view of the special characteristics of female adolescents and young women, schools must take measures as regards education, management, facilities, etc. to ensure their healthy physical and mental development.

168. No. 2 of the regulations on education for the disabled says that State educational policy must be followed in the education of the disabled with a view to the all-round enhancement of their qualities, and that conditions must be brought about to enable disabled persons, given their special physical and mental characteristics and needs, to take part in social life on an equal footing. Regulation 3 states that education for the disabled must be based on the type of disability and receptivity to education, making use of normal or special methods and giving full expression to the role that normal educational institutions can play.

Practical enforcement

1. Pre-school education

169. In 1990, the State Council approved the Kindergarten Regulations and Kindergarten Operating Procedures, clearly guaranteeing children's legal rights, establishing the responsibilities of the various departments concerned with the development of pre-school education, and setting qualification standards and training methods for teaching personnel.

170. Since the foundation of the new China, local governments have set up kindergartens while the country has maintained a policy of relying on society at large to operate them, so that nowadays kindergartens may be operated by the State, organizations or individuals. In 1993 the country had 165,200 kindergartens catering for 25,525,400 children - 30 per cent of 3- to 6-year-olds. In cities, many kindergartens operate all day; some, and a small number of pre-school classes, offer boarding and half-day care. In the countryside, the tendency is towards pre-school classes for children the year before they enrol in school, while well-off communities have opened a certain number of kindergartens. In rural, mountainous and pastoral areas where there has been little economic development, the population is scattered and communications are difficult, such forms of pre-school education as children's activity centres, recreation groups and teams of touring instructors have made their appearance in recent years. These are supported by local education departments.

171. As a proportion of all the children of suitable age, the numbers attending pre-school education are still low, and an enormous amount remains to be done if the target set in the Programme Outline for the 1990s is to be met. The development of pre-school education has been uneven; in parts of the countryside where there has been little economic development, pre-school education has developed slowly, leaving large disparities in access between the towns and the country. The numbers and quality of kindergarten teaching staff need to be increased somewhat.

2. Basic education

172. Basic education being the fundamental way to raise the quality of the nation, the Government has established a policy of energetic expansion, calling on the authorities at every level to apply the Compulsory Education Act conscientiously and meet the target of universal nine-year compulsory education, and holding government authorities, society and parents to conscientious compliance with their responsibility and duty to ensure that school-age children enrol in school and are not allowed to interrupt their studies. As a result of long efforts, basic education in China has grown substantially and children's right to education has been put on a practical legal and material footing. (See the growth in basic education in China between 1991 and 1993, annex, table 6).

3. Primary education

173. Thanks to many years of effort, China has gradually made primary education universal; the distribution of schools is basically sound, and children can attend school near their homes. Besides ordinary primary schools, boarding schools and teaching centres have been set up in sparsely populated mountainous and pastoral regions (see annex, table 7).

174. According to census figures, about 2 per cent of the school-age children in China are still not enrolled in compulsory primary education. The bulk of these are in economically backward, socially and geographically disadvantaged regions. To promote the rapid spread of compulsory primary education to poor regions, the central Government provides annual subsidies of 150 million yuan for compulsory education while urging developed regions to support the impoverished ones and encouraging the impoverished regions to integrate compulsory education into their efforts to escape from poverty. To prevent school-aged children from missing classes owing to problems at home, the State has instituted bursaries and waivers of miscellaneous expenses, in addition to movements such as Project Hope and the Spring Buds Scheme.

4. Junior middle education

175. The State encourages the development of different kinds of junior middle school, and does all it can to make sure all children receive education and career guidance. Localities have been actively developing junior middle education in the light of actual conditions, and such education has become widely established in the large cities and developed coastal districts. To raise the quality of the workforce, China is currently reforming its junior middle education system and exploring the interrelationships between academic education and technical education (see annex, table 8).

176. Localities are also arranging short training courses on the development and use of technology so that children can learn some work skills while pursuing their academic studies, and so that children of the appropriate age can be given some career guidance.

5. Measures to encourage timely attendance and reduce the drop-out rate

177. In recent years the State has had some success, by publicizing the Compulsory Education Act and improving pupil management, in consolidating school attendance and reducing the drop-out rate. The drop-out rates for primary and junior middle school pupils in 1992 were 2.19 per cent and 5.7 per cent respectively.

178. As regards the proportion of students who are forced to drop out of school because they cannot afford the miscellaneous expenses involved, the State emphasizes that compulsory education is free of charge and, only miscellaneous expenses are payable; local governments have laid down specific criteria to govern such expenses, prohibiting arbitrary charges. A policy of waiving miscellaneous expenses for pupils with problems at home has been generally adopted.

179. As a small proportion of students detest and run away from school because of learning difficulties, the State has abandoned its emphasis on junior middle education and encourages localities, on the basis of local socio-economic conditions and students' personal circumstances, to provide junior middle students with career guidance and pre-employment training, set up junior middle vocational and technical schools and so forth. Each locality is required to arrange reformatory training in order to ensure that the small proportion of moral deviants and lawbreakers complete their compulsory education while ordinary schools can get on with teaching.

180. In brief, the State has long been working on the development of compulsory education and has taken many positive steps to ensure that funds are available. The Central Government and local people's government at the county level and upwards have established special funds to support compulsory education in poor districts; special supplementary Central Government funding for compulsory education and the training of the related teaching staff in remote and impoverished areas is not only guaranteed but increases yearly.

6. Project Hope

181. Statistics indicate that an average of one million children in poor regions of China have missed school in recent years on account of their families' straitened circumstances.

182. In October 1989, in Beijing, China's Youth Development Fund launched "Project Hope, establishing China's first fund "to assist children in poor districts missing schooling" by giving them bursaries to enable them to exercise their basic right to education.

183. Project Hope subsidizes: (i) long-term bursaries to support the return to school of children from poor districts who, although good students, have missed schooling because of domestic poverty; (ii) the construction and repair of school premises in poor villages; (iii) the purchase of teaching materials, stationery and books for primary schools in poor villages.

184. In the three years up to 1992, the project attracted over 100,000 million yuan in contributions from across the country and other parts of the world. It enabled 328,749 primary school pupils from impoverished families in 648 poor counties and from economically backward villages in otherwise more prosperous counties within 25 Chinese provinces and autonomous regions to return to school, and invested in the construction of 62 "Hope Schools".

185. Because of the important role it is playing in transforming the setting in which primary education occurs in the poor districts of China, Project Hope is enjoying a wave of sympathy and support in Chinese society. The Programme Outline for the 1990s describes the project as a major measure for guaranteeing children's survival and development; the State Committee on Education has explicitly called on education departments at all levels of government to support it.

186. The objective of Project Hope is to help the Chinese Government complete the task of making nine-year compulsory education universal by the end of this century.

7. The Spring Buds Scheme

187. Education for girls is an important problem in efforts to establish universal primary education in many developing countries. China, as a developing country, had 2,610,000 school-age children in 1993 who had not enrolled in school, markedly more of them female than male. In the west of the country, the phenomenon of low female enrolment and high female drop-out rates is quite striking. Beginning in 1989, the National Women's Federation and the Chinese Children's Fund established special funds to help girls enrol in school and enable girls from poor districts to attend compulsory primary education in effect free of charge. In 1992, these were renamed the "Spring Buds Scheme".

188. Thanks to this scheme, in recent years over 800 girls' classes have been established in 16 different provinces and autonomous regions, enabling 400,000 girls to go back to school. In 1995 it is planned to mobilize greater sympathy for girls' education in all sectors of society, establishing 1,000 classes for girls countrywide and enabling over 50,000 girls to return to school and complete their primary education.

8. Senior middle and higher education

189. Since China began to apply its policy of reform and opening up to the outside world, senior middle and higher education have progressed very satisfactorily, and their pace of development has quickened visibility. In 1992, 2,261,300 students completed a general senior middle education. As general higher education is limited in scale, the proportion of the population receiving a standard higher education is fairly small. In the interests of

economic and social development and to satisfy public demand, the Government has been making great efforts to expand adult higher education and give increasing numbers of people the opportunity to receive a higher education.

9. Supervisory machinery

190. The State Department of Education has specialized supervisory agencies which conduct periodic evaluations and inspections of schools, commend what is progressive and criticize what is backward, uphold lawful school administration and deal with cases of unlawful conduct and discipline.

191. Besides governmental departments, society at large helps schools to do their job in a variety of ways: operating home education institutes, community education boards, schools for parents and so forth, all of which promote work with children.

192. On 28 October 1993, the Chairman of the State Committee on Education addressing the fourth session of the Eighth National People's Congress, introduced his report on education. The report pointed out that in the process of accelerating transition from a planned economy to a socialist market economy, educational reform and development faced many new problems and presented some unresolved ones. One was that educational reform still lagged some way behind what economic and social development demanded. Another was that insufficient investment in education was inconsistent with the development of education, the shortage in funds for basic education being particularly acute. A third was that teacher's wages were low and the ranks of teachers were unstable.

B. Aims of education (art. 29)

193. In line with the Compulsory Education Act, China introduced a curriculum for nine-year compulsory education in 1992. Following the rules of children's physical and mental growth, the curriculum seeks to provide children with a comprehensive basic education while fully respecting and promoting their individually, talents, and the development of their physical and mental capabilities. For this purpose, it is divided into two parts - academic courses and active courses. The active courses concentrate on training students in manual skills and creative abilities, encouraging them to give full expression to their individuality using the knowledge and techniques they have mastered.

194. As regards human rights and fundamental freedoms, courses on law and history have been introduced. The courses on law provide an introduction to civil rights and fundamental freedoms guaranteed by law and explain the principle of equality of nations and the legal notion of ethnic rights, giving children a grounding in the concepts of ethnic equality, respect and tolerance for each other. The history courses present recent and modern Chinese history, giving children a clear understanding of the struggles by their forebears to win basic human rights and freedoms, increasing their understanding of human rights, and inculcating in them a respect for human rights.

195. The Chinese have a tradition of giving presents to their parents. Respect for one's parents has been made part of the official Standards of Daily Conduct for primary and middle school students. The Standards require children to display drive, self-respect, self-regard, a desire for self-improvement and a pioneering spirit, and to foster a collective spirit and a sense of responsibility and honour.

196. From primary to middle school, Chinese is an important subject. It enables children to master the tools of study and knowledge and to interpret the outstanding cultural legacy of their own country and of mankind. History and geography lessons introduce them to a knowledge of different nationalities; as China is a multinational State, its history is the collective work of 56 different nationalities, each presenting aspects which others will do well to study and draw lessons from.

C. Leisure, recreation and cultural activities (art. 31)

197. Article 20 of the Protection of Minors Act states: "The State shall encourage public organizations, industrial concerns and other organizations and citizens to mount a wide variety of social activities conducive to minors' healthy growth". Article 21 states: "People's government at every level must create suitable conditions for, and establish and improve sites and facilities suited to, cultural activities for minors." Article 22 states: "Sites such as museums, memorial halls, halls of science and technology, halls of culture, cinemas and theatres, sports grounds (halls), zoos and parks must admit primary and middle school students at concessionary rates." Article 26 states: "Children's food, toys, articles and recreational facilities must pose no danger to children's safety or health."

198. China today has around 2,000 facilities offering extracurricular activities for children of various ages, including youth palaces, children's activity centres, teenage science and technology halls, sports centres, children's arts academies, and rural culture parks. These are open to all children, and offer a rich variety of artistic, scientific, sporting and social activities.

199. To raise the level of such activities and provide outlets for the energies of all segments of society, local and national competitions are organized every year: general knowledge contests, singing competitions, contests for young scientists and inventors, literary competitions and so forth.

200. Since 1989, the Ministry of Civil Administration has directed and organized street and neighbourhood committees in some cities and towns to provide community services, mobilizing volunteers to teach community children home economics, offer vacation training, and provide health care, recreational, sporting and leisure services. By 1993 there were 89,000 townships with community service facilities, creating a favourable environment for children's healthy growth.

201. To enliven children's holidays, there are summer and winter camps every year, offering a rich variety of activities such as model aeroplanes, military sports, science and technology and literature.

202. The better to mobilize and organize the efforts of all segments of society, making use of State, collective and individual contributions to set up cultural pursuits for children, steadily increasing the quantity and quality of children's television, reading material and publications and the range of theatrical, musical, fine-arts and other products for children, the Ministry of Culture and the Ministry of Broadcasting and Television, in conjunction with public organizations, have drawn up an outline for the development of children's cultural pursuits in the 1990s (the Dandelion Programme), turning the development of children's cultural and artistic activities into a systematic social project.

203. At the heart of the Programme are specific assignments and clear guidelines for the progressive development of children's television, artistic education, press, periodicals and other reading material, for the training of the people in charge of children's culture, and for the formation of research teams working on children's culture and art. The Programme falls into two phases, one running from 1992 to 1995, the other from 1996 to 2000. By late 1994, the first phase had already brought visible results: the quantity and quality of cultural and artistic products and television programmes for children had increased substantially since 1991, to children's warm approval.

204. Influenced by the drive for a high "academic success rate" (proportion of pupils moving on to better schools), some schools become fixed on raising their rates: they make heavy demands on their pupils and pupils spend long hours in the classroom, with relatively little free time. As a result of reforms in the education system and in arrangements for changing schools, this phenomenon is becoming less pronounced.

205. On average, China has only one children's activity centre for every 170,000 children. In rural areas, the situation is worse. The main reasons are insufficient funds, the shortage of teaching staff and, at present, a serious decline in the body of staff. Some parents and schools, moreover, are dismissive of extramural education for children; they attach importance to school studies proper and to economic benefits, belittling extracurricular activities and social benefits. To a certain extent, this has hindered the development of extracurricular activities for children.

VIII. SPECIAL PROTECTION MEASURES

A. Refugee children (art. 22)

206. China consistently practises internationalism and humanitarianism. Its policy towards refugees is to treat them all alike, without discrimination; to give equal pay for equal work; to provide the necessities of life and the requisite job opportunities; to support and encourage development of production; to increase refugees' capacity to feed themselves and promote their integration into the social and economic life of the community, while providing conditions for reunification and facilitating the return of those who wish to go home.

207. Between 1978 and the end of 1992, China took in and settled over 280,000 Indo-Chinese refugees and their families. The overwhelming majority were Vietnamese (99 per cent), but there were also some Laotians and

Cambodians. They now live in 194 different settlements scattered around Guangdong, Hainan, Guangxi, Fujian, Yunnan and Jiangxi provinces in the south of China

208. To deal with refugee settlement, every level of government from the centre down has been setting up refugee reception offices since 1978 and a great deal of effort, material resources and money have been expended. By the end of 1992 the central financial authorities had spent a cumulative total of US$ 730 million in special funds on assisting Indo-Chinese refugees.

209. Between 1979 and 1992, China received over US$ 82 million from UNHCR; in 1993 it was expected to receive US$ 2.2 million, and carried out over 400 projects. As its guiding philosophy regarding welfare services and job opportunities for refugees is clear, and especially as it collaborates fruitfully with UNHCR, all its aid-supported projects are carried through to completion as agreed. These projects have played an important part in improving settlement conditions for refugees, benefiting over 90 per cent of them to varying extents. Owing to financial restrictions, however, there are shortages of educational and training facilities for refugee children in particular, and these need to be remedied. The Government allocates 26 million yuan annually in special funds for refugee assistance, but cannot provide additional, special-purpose investment for projects for refugee children, whose needs it can meet only to some extent by urging them to take advantage of local conditions.

B. Children in armed conflict, including physical and psychological recovery and social reintegration (arts. 38 and 39)

210. Under article 12 of the Military Service Act and No. 3 of the Conscription Regulations, citizens who reach the age of 18 before 31 December each year are eligible for the draft. Chinese law contains no direct provisions on the protection of children in states of war, but China is a party to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and respects its obligations as regards children under that Convention.

C. The administration of juvenile justice (art. 40)

211. The State takes the protection of minors' lawful interests during judicial proceedings extremely seriously, and many important pieces of legislation contain explicit provisions on this topic (see the relevant paragraphs of this report). In the course of its operations, the judicial apparatus has also helped to spell out and systematize the various principles and provisions governing the protection of minors' lawful rights and interests during law enforcement proceedings.

212. When dealing with cases involving minors, the State public security and judicial departments, procuratorates and courts have taken care to strengthen the links between them, gradually creating special-purpose machinery for handling criminal cases involving minors and increasing their monitoring of and cooperation with each other. On 1 June 1991, they issued a joint statement "on the establishment of a comprehensive system for the handling

of juvenile criminal cases", containing explicit provisions on their collective supervision, education, reform and rehabilitation of juvenile offenders under different circumstances.

213. According to figures from the Supreme People's Court, by the end of 1993 China had established 3,135 special agencies (juvenile courts) to hear criminal cases involving juveniles, including 317 independent juvenile tribunals; it had 9,322 juvenile judicial officers, and basically all criminal cases involving minors were heard in juvenile courts. Provided they safeguard minors' procedural rights, uphold the policy of education, reform and rehabilitation and put education ahead of punishment, these courts can follow special trial procedures designed with minors' physical and emotional characteristics in mind to correct juvenile offenders. The juvenile courts in some districts not only hear cases involving juvenile offenders, but also cases involving the protection of children's rights and interests. Their handling of such cases has won universal public approval while increasing public regard for, and awareness of the law on, the protection of children's rights.

214. People's procuratorates serve as the State's legal supervisory machinery, upholding the system of judicial safeguards for minors by overseeing the investigations into and hearings on cases involving juvenile offenders and by monitoring the enforcement of penal sentences and the operations of reform-through-labour institutions such as prisons. In referring arrests for approval and examining appeals, they abide strictly by the Protection of Minors Act, establishing special bodies or using experts to handle cases involving minor offenders and making allowance for minors' physical and emotional characteristics in the process of law enforcement.

215. According to statistics from the Supreme People's Procuratorate, by the end of 1994 procuratorates across the country had established 2,900 procuratorial bodies for juvenile offenders; there were over 5,000 procuratorial personnel dealing with juvenile offenders, and a comprehensive working system was gradually taking shape. The procuratorates had also established specific provisions to improve procuratorial work with juvenile offenders and standardize their supervisory functions. In addition, procuratorates protect minors' lawful rights and interests by investigating cases themselves. All that they do to protect children's interests has proved beneficial in judicial practice and has had a positive influence on society.

D. Children deprived of their liberty, including any form of detention, imprisonment or placement in custody or settings (arts. 37 (b), (c) and (d))

216. Article 40 of the Protection of Minors Act states: "When dealing with cases involving juvenile offenders, public security organs, people's procuratorates and people's courts must take account of the juveniles' special physical and emotional characteristics and may, where necessary, establish special mechanisms or designate experts to deal with such cases. Public security organs, people's procuratorates, people's courts and disciplinary institutions for juvenile offenders must respect the individual dignity of juvenile offenders and safeguard their lawful rights and interests."

217. Article 41 of the Act stipulates that public security organs, people's procuratorates and people's courts must separate juveniles being held in custody pending trial from adults being so held, and that juveniles sentenced to a criminal penalty by the people's courts must be incarcerated and administered separately from adults serving sentence.

218. Article 42 states: "Cases involving juvenile offenders over 14 but under 16 years of age shall as a rule not be heard in public. Cases involving juvenile offenders over 16 but under 18 years of age shall not generally be heard in public."

219. It is also established by law that before judgement is handed down in a case involving a juvenile offender, news reports, television programmes and publicly available printed material must not divulge the name, address, photograph or any other material likely to reveal the identity of the juvenile concerned.

Practical enforcement

220. In Chinese judicial practice, the kind of person detained in juvenile correctional facilities tends to be a juvenile aged between 14 and 18 duly convicted of a criminal offence by the people's courts; those not fitting this description are not admitted. Admission is contingent on presentation of a written judgement from a people's court, written notice of execution and a docket to indicate the case has been closed. Correctional facilities will not admit individuals in the absence of the above documents or whose circumstances do not match those described in them.

221. Juvenile correctional facilities do not have watch towers, electrified fences, or armed guards; beatings, corporal punishment and mistreatment are prohibited. Special female warders are responsible for looking after female offenders, who are kept strictly separate from male offenders in accommodation, at work, at studies etc.

222. Visiting and correspondence privileges are as generous for juvenile as for adult offenders. Offenders showing signs of improvement may, with permission, and provided they are escorted by a family member, be allowed home for a visit. Such visits generally last between three and five days, the maximum period not exceeding seven days.

223. Juvenile correctional facilities generally employ a full- or part-time legal adviser whose principal responsibilities are to resolve promptly, in conjunction with the public security, procuratorial, court and other organs, any questions of law arising in the course of execution of penal sentence; to give juvenile offenders some grounding in the law; and to provide them with legal assistance.

224. The juvenile offenders in a correctional institution must receive not less then 24 hours of political, cultural, and vocational technical education per week. Political instruction takes up one third of the time, for it is principally through thorough and detailed ideological work that juvenile

offenders are induced to recognize the importance of respecting the laws of the State, and to work unremittingly to change their poor conduct or habits. Cultural and technical lessons occupy two thirds of the time, the emphasis being on providing a general primary and junior middle education and on developing initial vocational and technical training. In the light of students' requirements, correctional facilities may also have classrooms, laboratories, libraries, sports areas etc. and often mount a wide variety of activities of benefit to juveniles' physical and emotional health. Juvenile offenders who show signs of improvement may even be allowed to attend lessons at schools in the community.

225. Juvenile correctional facilities are equipped with shower rooms and with clinics or first aid points, with the requisite medical personnel in attendance. The health care and medical system available to juvenile offenders is generally sound.

E. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

226. Article 14 of the Penal Code states: "Any person who, having reached the age of 16, commits a crime shall bear criminal responsibility. Any person who, having reached the age of 14 but not the age of 16, commits homicide, inflicts serious injury, commits robbery, arson, habitual theft or other crimes seriously disrupting social order shall bear criminal responsibility. [...] Any person who, having reached the age of 14 but not the age of 18, commits a crime shall be given a lighter or mitigated punishment." Article 44 of the Code states: "The death penalty shall not be imposed on persons who had not reached the age of 18 at the time the crime was committed or on women pregnant at the time of their trial."

227. Under the Penal Code, a juvenile offender aged between 14 and 18 may legally be sentenced to life imprisonment for a particularly serious crime. The Code also states, however, that if an offender serving a life sentence shows signs of repentance or merit, the sentence may be reduced. On 8 October 1991 the Supreme People's Court directed, in its ruling "Some questions concerning the specific application of the law in the mitigation of sentences and release on parole", that prisoners serving life sentences may, after their first two years of imprisonment and, if they show signs of repentance or merit, have their sentences reduced. It specified: "With a view to the education, reform and rehabilitation of juvenile offenders, mitigation of sentence and release on parole may under controlled conditions be offered to juvenile offenders more generously than to adults. A juvenile offender who can admit to his faults, meet standards of behaviour for reformed criminals, study positively and complete his fixed work assignments may be regarded as showing the signs of reform required for mitigation of sentence: relatively generous mitigation may be offered and the intervening intervals (the intervals separating successive mitigations) may be fairly short; if he shows signs of reform and poses no further risk to society, the offender may be released on parole." Judicial experience in China shows that any criminal sentenced to life imprisonment can eventually benefit from a mitigation of sentence.

F. Physical and psychological recovery and social reintegration (art. 39)

228. Article 43 of the Protection of Minors Act states: "Homes, schools and other work units concerned must cooperate with the work units of correction facilities attended by juvenile offenders in the joint education and rehabilitation of such offenders." The Act also states that there must be no discrimination against minors resuming their education, moving to a higher school or seeking employment after a people's procuratorate has waived charges, a people's court has exempted them from criminal penalties or awarded suspended sentences, or they have served out their sentences and been released.

229. In their day-to-day handling of juvenile offenders, the departments concerned place particular emphasis on the need to rely on and exploit the strengths of all segments of society in providing a comprehensive education: they often ask parents, teachers and well known members of the community to perform reform work with juvenile offenders; they also organize studies, lectures, general knowledge contests and artistic events to help young offenders get through the holidays and help them attain higher ideological awareness, while showing them that their families and society are concerned about and have hopes for them.

230. When juvenile offenders are released, the public security organs responsible for their original places of residence allow them home on the strength of their discharge certificates, and the labour and education departments arrange matters such as a job or a return to school. Juvenile correctional facilities treat settling and helping former inmates as an important part of their function: they make scheduled visits to check on former inmates' degrees of reform and to help streets, townships, schools and work units accomplish their assistance and teaching tasks.

G. Economic exploitation including child labour (art. 32)

231. Under Chinese law, children are exempt from economic exploitation, and no work unit or individual may set a child to perform work that would hinder or influence its education or pose a risk to its health or growth.

232. Chinese law also prohibits the use of child labour. No. 2 of the Regulations Prohibiting Child Labour, passed by the State Council on 18 January 1991, states: "'Child labour' means labour performed for economic reward by a child or youth under the age of 16 in a working relationship with a work unit or individual, or on his or her own account."

233. Article 28 of the Protection of Minors Act states: "No organization or individual may employ a minor aged under 16 years except as provided by State regulations. Any organization or individual that, in accordance with the relevant State regulations, employs a minor aged between 16 and 18 years must comply with State regulations regarding the type and duration of work, arduousness of the work and safety measures, and may not assign such minor to excessively heavy, toxic or harmful work or to dangerous occupations."

234. Article 49 of the same Act states: "Industrial enterprises and organizations and individual businesses that unlawfully employ minors under the age of 16 shall be instructed by the Department of Labour to rectify matters and shall be liable to a fine; in serious cases, their business permits shall be withdrawn by the Department of Trade Administration."

235. These stipulations notwithstanding, and within the bounds permitted by law and policy, the State does authorize some flexibility in poor rural districts where progression to compulsory junior middle education is not yet a possibility, and 13- to 15-year-olds are obliged to take paid auxiliary work commensurate with their abilities, but it imposes strict limits on the extent and nature of such work. The actual arrangements are made by the people's governments in individual provinces, autonomous regions and directly administered municipalities, depending on circumstances.

236. When cultural, sporting and special crafts units must employ artists, athletes, sportsmen and apprentices under the age of 16, they are required to do all they can to protect the minors' physical and mental health, foster their healthy moral, intellectual and physical growth, and undertake to enable them to attend compulsory education for the number of years locally prescribed, in accordance with the law.

237. To enforce the ban on child labour, labour administration departments at the county level and above are entitled to impose fines on, and request the administrative authorities to take disciplinary action against, the few individuals and work units, and their legal representatives and officials, that permit, use or facilitate the use of child labour. They are entitled to request trade administration departments to withdraw the trading permits of work units and individual industrial and commercial ventures that illegally employ child labour. The public security organs, in accordance with the law, impose public security penalties on individuals and bodies corporate that abduct or mistreat children, cause the death or injury or otherwise endanger the physical health of child workers; where the circumstances amount to a crime, the matter is investigated by the judicial authorities and criminal responsibility is apportioned.

238. In recent years, child labour has emerged in individual regions as a result of the growth of small-town and private industry and individual businesses. A preliminary analysis shows it to be fairly marked in the southern coastal cities, largely because the southern coastal regions have been growing fast and the comparative wealth of job opportunities exerts a strong attraction on households and minors in some poor districts. For a variety of reasons, there are still gaps in the monitoring and enforcement of the law by the State bodies concerned against industries and individuals which, as employers, disregard State laws and regulations; for this reason, it is not possible to take prompt control of the situation or to investigate matters properly and put a stop to them.

H. Drug abuse (art. 33)

239. Under article 53 of the Protection of Minors Act, inducing a minor by deceit or inciting or forcing a minor to ingest or inject drugs renders the culprit liable to severe punishment.

240. A decision by the Standing Committee of the National People's Congress on drug prohibition, passed in December 1990, holds that using or inciting a minor to smuggle, peddle, transport or manufacture drugs renders the culprit liable to severe punishment (para. 2, sect. 3); anyone who by deceit induces, incites, dupes or coerces a minor to ingest or inject drugs is also liable to severe punishment (para. 7, sect. 3).

241. The State Council had earlier promulgated the Narcotic Drugs Act and methods of psychopharmacological substance control, in November 1987 and December 1988 respectively, laying down strict provisions governing the production, control, transport, use and management of narcotics and psychopharmacological products to prevent them from getting into the wrong hands.

Practical enforcement

242. It has always been Chinese Government policy to prohibit drugs. Between the foundation of the People's Republic in 1949 and 1952, the Government mounted a nationwide anti-drugs campaign, eradicating in three years the opium smoking that had plagued China for over a century. China is now known throughout the world as a drug-free State which defends the physical and mental health of its citizens, especially its children.

243. Since the 1980s, with the rise of the international drug trade, drug gangs have been transporting drugs manufactured in the Golden Triangle region near China's borders via China to Hong Kong and Macao and thence onto the international drug markets, gradually turning China into a transit country for and victim of drug trafficking. This has also led to a drugs problem within China. The Government has therefore treated the matter with the utmost seriousness. To prevent them from once again running amok in China, endangering the physical and mental health of its citizens, children in particular, the Government has declared a policy of out-and-out war on drugs.

244. In November 1990, the State Council decided to establish a State Committee on Drug Prohibition to guide and coordinate drug-control efforts at the local level and between the various State Council departments. A National Conference on Drug Prohibition, in June 1991, enunciated the "three prohibitions" (on drug dealing, drug planting and drug use), put forward a policy of closing off sources, enforcing the law, and attacking the problem at its roots, and launched a countrywide campaign of concerted measures to combat, forestall, publicize and educate people simultaneously about the drugs problem.

245. As directed by the Conference, local governments used newspapers, radio and television programmes, exhibitions and so forth to saturate the masses, young people in particular, with publicity against drugs, publicity on State law banning drugs, publicity on Government drug prevention centres and descriptions of the dangers of taking drugs, heightening the entire nation's awareness of drug prohibition. At the same time, the State Committee on Drug Prohibition and drug prevention bodies at all levels began to pay increased attention to preventive education among the young. The State Committee on

Drug Prohibition and the State Committee on Education jointly compiled and approved a drug prohibition reader as a middle-school text book; it was issued throughout the country on 26 June 1992, for the International Day against Drug Abuse and Illicit Trafficking. Yunnan and Guamgdong have pooled their experience and published anti-drugs teaching material and posters suitable for use in middle school. Their drug-control agencies have produced monographs on drug prevention measures, conducting community trials warning teenagers of the dangers of drugs and investigating effective ways of, and experiences with, protecting children from them.

246. To date, there have been no instances in China of children being used to manufacture or transport drugs illegally. In practice, if such an instance should arise the judicial organs will apply the law strictly, protecting the injured child's lawful rights and interests and punishing the culprits severely. The government departments concerned and society at large will do their utmost to help and protect the injured child in its return to normal life, so that it will not again fall under the control of drug traffickers.

247. Chinese law makes drug-taking illegal and renders the culprits liable to public security sanctions; sanctions are waived for drug takers under the age of 14, but their guardians are instructed to keep them under supervision. Addicts are sent for treatment and education, and are forced to break their habit. Adults predominate among China's drug takers. The number of adolescents and children is tiny, and in most cases these are children who have come under the influence of a drug-taking parent. Governmental drug control organs, schools and health departments and the public organizations concerned have attached great importance to providing children with timely protection, improving adverse living conditions and offering psychological care. Addicts are treated with safe, reliable addiction-breaking drugs, restored to complete physical health and encouraged to make a quick recovery and resume a normal life.

248. According to surveys of juvenile drug takers, very few in China are schoolchildren: the great majority strayed into drugs after leaving school. This goes to show that children are taught too little about drug avoidance while at school, and their resistance is low.

249. China was a drug-free country from the 1950s to the 1970s, and neither teachers nor parents knew much about drugs or how to teach children to avoid them; there were no systematic teaching materials, and no methods of or experience with educating children, teenagers and their parents about drug avoidance.

250. Some efforts in this direction have been made since the establishment of the State Committee on Drug Prohibition, but the demand in the Convention on the Rights of the Child that children and adolescents should be protected from the dangers of drugs cannot be met by relying on legislation and administrative measures alone. The Government's top priority in drug prevention is to give teachers more thorough training in educating children to avoid drugs.

I. Sexual exploitation and sexual abuse (art. 34)

251. China's criminal law and administrative regulations contain explicit provisions against criminal activity that violates children's sexual rights and to protect children from all forms of sexual exploitation and abuse.

252. Article 139 of the Penal Code explicitly states, in its second paragraph, that "Any person having sexual relations with a girl under the age of 14 shall be deemed to have committed rape and shall be punished severely. Hence anyone who has sexual relations with a girl under the age of 14, by whatever means, and whether or not against the child's will, is guilty of statutory rape for the simple reason that the girl was under 14. Under the law he can be sentenced to three to ten years' imprisonment; in particularly grave circumstances or if the victim is seriously injured or killed, the sentence can be 10 years to life or the death penalty.

253. No. 30 of the Security Administration Regulations states, in its second paragraph, that "Whoring with a girl under the age of 14 shall be dealt with as rape under article 139 of the Penal Code".

254. The Standing Committee of the National People's Congress has passed a decision prohibiting prostitution and whoring as an adjunct to the Penal Code. The first paragraph of section 2 states that anyone who coerces a girl under the age of 14 into prostitution is liable to 10 years' imprisonment or more and a fine of up to 10,000 yuan or confiscation of property; in particularly grave circumstances, the culprit may face the death penalty and confiscation of property.

255. Section 3 of the decision by the Standing Committee of the National People's Congress "On severe punishment of criminals who kidnap or abduct girls for sale" states, in its second and fourth paragraphs, that purchasing a girl who has been kidnapped or abducted and forcing her to have sexual relations shall be punishable under the Penal Code as the multiple offences of rape and the purchase of a kidnapped or abducted girl.

256. The Protection of Minors Act states that minors' parents or other guardians must prevent and stop them from engaging in prostitution (art. 10), and prohibits any organization or individual from offering for sale or rent or otherwise distributing pornographic, violent or similar images, publications or sound recordings harmful to minors, offenders being liable to heavy penalties (arts. 25 and 51) and from inducing, enticing or forcing a minor into prostitution, offenders being liable to heavy penalties (art. 53, para. 2).

257. The decision of the Standing Committee of the National People's Congress "On the correction of criminal elements guilty of smuggling, manufacturing, peddling or disseminating pornographic material" states, in the fourth paragraph of section 3, that "Any person disseminating pornographic material to minors under the age of 18 shall be liable to severe penalties". The fifth paragraph of the same section states: "Any minor under the age of 18 making copies of or displaying pornographic images, publications or other

pornographic material must be severely disciplined by his parents and the school". Section 6 states that any adult who incites a minor under the age of 18 to smuggle, manufacture, reproduce, peddle or disseminate pornographic material will be liable to severe penalties under the relevant provisions of the decision.

Practical enforcement

258. Chinese government departments, in particular the public security organs, have long been active against child sexual abuse, using publicity, education and strict law enforcement to protect children's lawful rights and interests and enable them to escape any form of sexual exploitation or abuse.

259. The public security organs, in conjunction with health, education and propaganda departments, conduct propaganda against sexual abuse to heighten parents' and children's discernment and their resistance to sexual abuse.

260. Chinese law prohibits nude sexual display and performance in productions on obscene topics as alien to Chinese tradition and morals, and offenders are subject to legal sanctions.

J. Sale, trafficking and abduction (art. 35)

261. The Chinese Constitution guarantees the inviolability of citizens' personal freedom. Article 141 of the Penal Code prescribes punishment for abduction and trafficking in children: "Any person who abducts a human being for sale shall be punishable by up to five years' imprisonment; where the circumstances are serious, he shall be punishable by five years' imprisonment or more." On 2 September 1983 the Standing Committee of the National People's Congress issued a decision "On the severe punishment of criminals who seriously endanger public security", stating that groups that abduct human beings for sale and their ringleaders, or any person abducting human beings for sale where the circumstances are especially serious, may be sentenced to punishment above the maximum laid down in the Penal Code, up to and including the death penalty.

262. In September 1991, the Standing Committee passed a decision "On the severe punishment of criminals abducting or kidnapping girls and children", designating the purchase of an abducted child as a crime and laying down punishments for abduction. For example, any person abducting a girl or child is punishable by between five and ten years' imprisonment and a fine of up to 10,000 yuan: the ringleader of a group which abducts three or more girls or children and causes serious injury to, the death of or other grave consequences for them or members of their families is punishable by imprisonment for 10 years or more or by life imprisonment. The decision also contains provisions on the release or rescue of children from abduction or kidnapping, prescribing punishment in accordance with the law for hindering such release or rescue, and stipulates that "People's government at every level shall be responsible for rescuing abducted girls and children", calling on all State employees with responsibility for rescuing children to carry out their duties conscientiously. All law enforcement personnel help in the rescue of abducted children in accordance with the law, and in strict

compliance with policy and legislation. The public security organs have drawn up a list of missing children - abducted or of unknown whereabouts - to facilitate their discovery and release as the organs go about their daily work.

K. Children belonging to a minority or an indigenous group (art. 30)

263. Article 4 of the Constitution states: "All nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops relationships of equality, unity and mutual assistance among all China's nationalities. Discrimination against or oppression of any nationality is prohibited; any act that undermines the unity of the nationalities or causes national divisions is prohibited. The State helps to speed economic and cultural development in areas inhabited by minority nationalities in accordance with the nationalities' special characteristics and needs."

264. The Regional National Autonomy Act is an important piece of legislation regulating relations between the nationalities on the basis of the Constitution. It lays down comprehensive, specific provisions governing the system of regional national autonomy. In particular, it says that the organs of self-government in national autonomous regions shall on their own authority develop national education, operate schools, institute universal, compulsory primary education and develop secondary education; they shall set up schools for national teachers, national specialized secondary schools, professional schools and colleges to train specialist staff from minority nationalities. For pastoral areas and poor mountainous regions where minorities are widely scattered, they may establish collective national junior and middle schools where boarding and bursaries are the norm. Article 40 of the Act requires them to strengthen local health care and mother-and-child health protection, and to improve sanitary conditions.

265. Article 12 of the Compulsory Education Act says that, as regards teaching staff and financing, the State will assist in the provision of compulsory education in areas inhabited by minority nationalities. No. 25 of the Detailed Regulations in Implementation of the Compulsory Education Act, promulgated in April 1992, states that in national autonomous areas the "facilities, school system, methods of instruction, curriculum and language of instruction at schools providing compulsory education shall be determined by the local organs of self-government in accordance with the relevant legislation".

Practical enforcement

266. China understands an "indigenous people" to be one that did not originate elsewhere. All China's nationalities have been multiplying for aeons in the same part of the world, and have a long history of growing and living together in harmony. Hence all 56 nationalities are all aboriginal, there is no distinction between indigenous nationalities and more recent arrivals, and the question of indigenous children does not arise.

267. The 55 Chinese nationalities other than the Han together represent 8.01 per cent of the population (according to the fourth national census, in 1990), and are traditionally termed the minority nationalities. Children of minority nationalities in China possess all the rights conferred by law upon children, and are given special preference and priority by the central Government.

268. Since it has received special attention from the central Government and local government at each level, the protection of China's minority children has progressed fast. A county-level health care network in minority nationality regions is now basically in place. The National Women's Federation has made family education the focus of its work with children, and is promoting it in coordination with the Department of Education by organizing radio programmes and running classes and courses for parents to disseminate information about scientific child-rearing to the masses. Given the special characteristics of national areas, and working from experience, government at all levels has explored a variety of ways of expanding child care and national education, acquiring useful experience and extensively promoting the cause of minority children in China.

1. Inner Mongolia Autonomous Region

269. The Inner Mongolia Autonomous Region, on China's northern border, is 19.38 per cent minority-populated. As health care gradually improves the incidence of some dangerous childhood diseases is declining or dwindling to nothing, the incidence of some frequent maladies and recurrent diseases is also declining and the rate of child inoculation with quadruple vaccine has risen to 85 per cent.

270. In 1985 the region established a Family Education Research Council to run parent classes and give parents in pastoral areas guidance on scientific child rearing; this has to a large degree transformed the old, traditional, unscientific methods of child rearing. Family education has enjoyed increasing attention and respect as time has gone on.

271. The school enrolment rate for the region's minority children is 96.6 per cent. In schools of all types minority children account for a higher proportion of the pupils than the minority represents in the population at large; comparing the student ratios of all nationalities, the Mongolians rank higher than the Han Chinese, and the Ewenki, the Olunchun and the Daurs rank higher still.

272. In 1992 the region had 1,505 kindergartens and creches, including 99 national kindergartens, which catered for nearly 75,000 minority pre-school children (including children attending extra pre-school classes offered by primary schools); there were 3,210 national primary schools, catering for nearly 332,000 minority children; there were 408 national middle schools, catering for nearly 156,000 minority children; and there were 350 national vocational middle schools, catering for 100,000 pupils. The national primary-school network already covers the entire minority population, while lower middle national education is growing steadily and can already cater for almost 90 per cent of pupils leaving primary school.

2. Xinjiang Uighur Autonomous Region

273. The Xinjiang Uighur Autonomous Region has 7,247 primary schools and 1,958 middle schools; children from minority nationalities account for 68 per cent and 44.9 per cent respectively of the pupils attending them. Given the practical needs of farming and pastoral districts, the region initially established 5,500 education points. It has set up a special fund to defray the costs of translating and editing materials for minority nationality primary schools. In recent years the education of children from minority nationalities has proceeded apace. While building more kindergartens, the region has sought to strengthen its complement of teaching staff, boost the quality of infant education and organize the compilation of teaching material. The objective of the leadership is to force the pace of infant education in rural and pastoral districts.

3. Ningxia Hui Autonomous Region

274. In 1992, Hui students represented 27.1 per cent of the school population in the Ningxia Hui Autonomous Region, where the Hui account for 37 per cent of the population. The region has done a great deal in health care, culture and the arts and recreational activities for minority children, with conspicuous success.

4. Tibet Autonomous Region

275. Since the establishment of the Tibet Autonomous Region, the cause of children has made great strides.

276. The Chinese Government has provided substantial financial support for the development of health care in Tibet. Between 1985 and 1992 Tibet established seven municipal mother-and-child clinics. The State has provided means of transport and vital medical equipment for a number of village medical facilities. It has used many different means to inform the masses about mother-and-child health care, with a coverage rate approaching 85 per cent. A matter particularly deserving of attention is that the State provides free medical care to the entire population of Tibet, children included. This is preferential treatment which other provinces, municipalities and autonomous regions do not enjoy.

277. In 1989, prompted by UNICEF, over 20 counties established county-level mother-and-child clinics, carried out a general survey of and provided treatment for common and recurrent children's diseases throughout the region, and spread modern methods of midwifery.

278. The State Council Committee on Women and Children reports that the Tibet Autonomous Region Steering Group for Children's and Adolescents' Affairs decided to put into effect an experimental "Three Merits" project between 1992 and 1995. The project seeks to bind childbirth, child nurture and upbringing together organically and to investigate all aspects of the processes of children's growth, thereby advancing the cause of children and the universal adoption of the "Three Merits".

279. In the early 1950s, 95 per cent of the Tibetan population was illiterate or semi-illiterate; today that proportion is around 40 per cent. Over the same period, the school enrolment rate has risen from below 2 per cent to roughly 64 per cent of children of school age.

280. By the end of 1993 Tibet had 3,080 primary schools, with over 210,000 pupils; it had 69 ordinary middle schools, with over 25,000 pupils. Every year the central Government allocates special funds for Tibetan classes and middle schools in the hinterland, and nearly 10,000 Tibetan middle school and middle technical school pupils attend class at over 150 different schools in 26 provincial cities. The State has a policy of guaranteeing food, accommodation and clothing to children attending the focal junior middle schools in Tibet's rural and pastoral districts and border areas, in order to ensure they have proper conditions in which to study and in order to alleviate the economic burden on their families.

281. 1993 was Tibet Education Year, and the government of the Autonomous Region, besides allocating funds for education, established special funds for the construction of 63 primary schools and 10 middle schools. As, by the end of the year, 400 villages still did not have complete primary schools and 26 counties had no middle schools, the regional government set itself the objective of a middle school in every county and a public primary school in every village by the end of the century.

5. Guangxi Zhuang Autonomous Region

282. The Guangxi Zhuang Autonomous Region lies on China's southern borders. It now has a mother-and-child health-care network, and primary education has spread to over 70 per cent of its villages and townships. In 1990 the scheduled quadruple vaccine immunization rate for children stood at over 85 per cent in every county. Minority nationalities account for 39.1 per cent of the population; minority children represent 42.3 per cent of pupils at primary schools and 38.7 per cent of pupils at middle schools.

283. Summing up, the Chinese Government has for years been working hard to improve the lot of children belonging to China's minority nationalities, with outstanding results. As natural conditions in the areas where some minorities live are poor, and productivity is low, there are limits to economic development. For a variety of reasons neither the central nor local governments can in the short term make further large-scale investments in health protection and children's education in order to satisfy existing needs. Furthermore, low productivity means that farming requires large inputs of manpower, and many families have no choice but to make the children help at home.

284. On occasion, outmoded traditional views and customs restrict the spread of modern education. In some rural districts, particularly in poor ones, the "three obediences and four virtues" (social constraints on women's behaviour), and the notion that men are superior to women - feudal misconceptions that shackle people's thinking - have deprived girls of the opportunity of an education. Under the customs of some minority nationalities, a woman can be censured for showing her face in public and this, too, has an influence on school attendance by girls.

285. Early marriages, early childbirth and frequent pregnancies are still common phenomena in some poor districts inhabited by minorities. On the one hand, this makes for rapid population growth, hindering economic and educational development; on the other hand, early marriage imposes the burdens of a family on a proportion of under-18-year-olds, some of whom have no option but to abandon their studies in order to look after the home. Hence a failure to make the connection between backward material production and population growth, and, conversely, between poverty and population, has acted as a brake on development in the economies of these districts.

286. The Government has done all it can to encourage all nationalities to develop a commodity-based economy on a large scale, in order to facilitate the development of a solid basis for the spread of education; on another front, it has been using modern techniques to promote education, science and technology and to overcome the influence of the undesirable factors and traditions that have been hampering the development of national education.

287. At the beginning of 1993 China had 23,468 independently run minority nationality primary schools and 2,748 middle schools, the primary schools being attended by over 10 million minority pupils and the middle schools by over 3 million. Nationwide, over 3,000 national middle schools and over 2,500 national primary schools were charging their pupils no miscellaneous or boarding fees; depending on the circumstances, they were helping pupils with the costs of their board so that they could study in peace and under the best possible conditions.

ANNEX: TABLES

Table 1

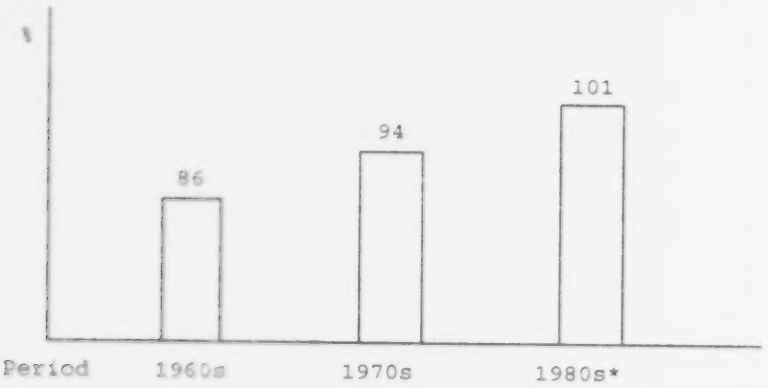
Situation of children in China, 1949-1978

	Pre-1949	Late 1970s
Infant mortality (‰)	20	<4
Average life expectancy (years)	35	>65
Proportion of population attending school (%)	~5	~22

Source: China Child Development Report, 1992, (Beijing, Social Sciences Press, 1992).

Table 2

Per capita calorie supply as a proportion of the body's needs

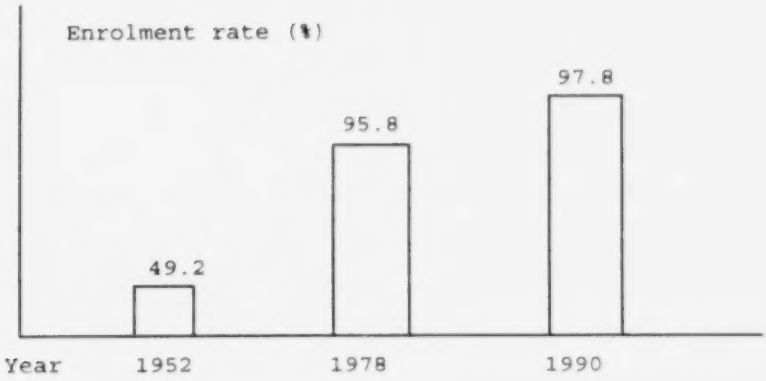


* Average for 1983-1985

Source: as above.

Table 3

Enrolment in school



Source: as above.

Table 4

Children deprived of a home environment

	Welfare institutions	Children in care
Child welfare institutions	67	6 432
Social welfare institutions	1 146	9 445
Total	1 213	15 787

Table 5

Insurance payments for in-patient treatment of children, Beijing

Cost of hospital stay	Insurance pays	Insured pays
<1,000 yuan	60%	40%
<5,000 yuan	70%	30%
<10,000 yuan	80%	20%
<20,000 yuan	90%	10%

Source: Municipality of Beijing, regulations governing insurance for in-patient hospital treatment of children.

Table 6

Basic state of education in China, 1991-1993
(tens of thousands)

	1991	1992	1993
Primary schools:			
Schools	72.92	71.30	69.67
Pupils	12 164.15	12 201.28	12 421.24
Teachers	553.22	552.65	555.16
Normal junior middle schools:			
Schools	7.06	6.92	6.84
Pupils	3 960.65	4 065.91	4 082.20
Teachers	251.67	256.50	260.78
Normal senior middle schools:			
Schools	1.52	1.49	1.44
Pupils	722.85	704.89	656.91
Teachers	57.33	57.61	55.90
Special schools:			
Schools	0.0886	0.1027	0.1123
Pupils	8.50	12.95	16.86
Teachers	1.60	1.85	2.04
Kindergartens:			
Kindergartens	16.45	17.25	16.52
Children	2 209.29	2 428.21	2 552.54
Teachers	76.89	81.50	83.60

Table 7

Status of elementary education in China, 1992

Primary schools	712 900
Teaching sites	180 000
Pupils at school	122.01 million
Teachers	5.53 million
Enrolment: overall	97.96%
Enrolment: girls	96.98%

Table 8

Status of junior middle education in China, 1992

Normal junior middle schools	69 000
Pupils at school	40 659 000
Enrolment rate (%)	66
Vocational junior middle schools	1 593
Pupils at school	563 800

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